

**ORDINARY (DISCUSSION ONLY) MEETING OF COUNCIL**

HELD IN THE COUNCIL CHAMBERS,  
 953 SOUTH COAST HIGHWAY, DENMARK ON TUESDAY,  
 13 DECEMBER 2011.

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# Ordinary Council Meeting

13 December 2011

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

4.02pm – The Shire President, Cr Thornton, declared the meeting open.

**1.1 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

MEMBERS:

- Cr Ross Thornton (Shire President)
- Cr John Sampson (Deputy Shire President)
- Cr Kelli Gillies
- Cr Adrian Hinds
- Cr Jan Lewis
- Cr Barbara Marshall
- Cr Ian Osborne
- Cr Belinda Rowland
- Cr Roger Seeney
- Cr Alex Syme

STAFF:

- Mr Dale Stewart (Chief Executive Officer)
- Mr Garry Bird (Director of Finance & Administration)
- Mrs Annette Harbron (Director of Planning & Sustainability)
- Mr Gregg Harwood (Director of Community & Regulatory Services)
- Mr Rob Whooley (Director of Infrastructure Services)
- Ms Claire Thompson (Executive Assistant)

APOLOGIES:

Nil

ON LEAVE OF ABSENCE:

- Cr Dawn Pedro
- Cr Phil Barnes

ABSENT:

Nil

VISITORS:

- Members of the public in attendance at the commencement of the meeting: 35
- Members of the press in attendance at the commencement of the meeting: 0

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
Cr Marshall	8.2.3	Impartiality	Cr Marshall is a life member of the Denmark Surf Life Saving Club.
Cr Marshall	10.1	Impartiality	Cr Marshall's husband has been nominated for an award.
Cr Sampson	10.1	Impartiality	Cr Sampson's partner's daughter has been nominated for an award.
Cr Osborne	8.2.1	Impartiality	Cr Osborne is a committee member of the Denmark Dragon Boat Club Inc.
Cr Rowland	8.2.1	Impartiality	Cr Rowland was a member of the Denmark Dragon Boat Club Inc. and plans to continue her membership.

Cr Thornton	8.2.3	Impartiality	Cr Thornton is the Vice Patron of the Denmark Surf Life Saving Club.
Mr Harwood	8.2.3	Impartiality	Mr Harwood is a social member of the Denmark Surf Life Saving Club Inc.

## 2. ANNOUNCEMENTS BY THE PERSON PRESIDING

*The Shire President announced that he had attended a Debrief yesterday regarding the recent fires in Denmark and that feedback that the Control Centre volunteers and the organisation provided by the Shire of Denmark was exceptional. Cr Thornton commended the Council Staff who had manned the Control Centre stating that the feedback was a credit to the Officers involved.*

## 3. PUBLIC QUESTION TIME

### 3.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 3.2 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. The procedure for public question time can be found on the back of the front cover of this Agenda.

Questions from the public are invited and welcomed at this point of the Agenda.

In accordance with clause 3.2 (2) & (3) of the Shire of Denmark Standing Orders Local Law, a second Public Question Time will be held, if required and the meeting is not concluded prior, no later than 6.00pm.

#### Questions from the Public

#### 3.2.1 Ms Cherry Martin – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 3 (Lot 221) Knowles Court, Denmark)

Ms Martin, the proponent, gave an overview of the application stating that she had not expected 12 objections as there were only two direct neighbours to her property. Ms Martin stated that she believed the property had been used as holiday accommodation by the previous owners, who had not registered the use with Council, and that by making the application to Council she was attempting to do the right thing. Ms Martin commended Council on the leadership role they had taken with respect to tourism in Denmark and stated that she believed there was a lack of holiday houses that were suitable for families. Ms Martin asked Council to view her application favourably.

#### 3.2.2 Mr Mark Davies – Denmark War Memorial Relocation Project

Mr Davies, President of the Denmark RSL Sub-Branch, referred to their proposal to relocate the War Memorial (on site) and Council's recent resolution to support the project. Mr Davies stated that funding had now been approved and everything was in place for the works to proceed however, they were now requesting Council's permission to remove the Conifer Tree which was on the site. Mr Davies stated that they were concerned that following the relocation the branches would overhang the memorial which could damage or taint it.

Mr Davies tabled the Denmark RSL Sub-Branch's request.

*The Shire President stated that he would be requesting the Chief Executive Officer to provide a late item for next week's Agenda on the matter.*

**3.2.3 Mr Alan Davis – Item 8.2.1 (Denmark Riverside Clubs Project)**

Mr Davis, Team Leader of the Riverside Project, stated that their proposal was a co-operative way to develop the riverside precinct to create a vibrant, exciting activity centre in Denmark. Mr Davis stated that collectively the four clubs involved had over 300 members and he requested that Council consider appointing a Councillor delegate to the Committee, as well as the Manager of Recreation Services, to ensure the Shire's ongoing involvement in the project. Mr Davis referred to the \$5,000 stated for the appointment of architects and stated that they had received a quote for \$1,050 and requested that the figure be amended. Mr Davis stated that the Project Team would be making a presentation, on the Riverside Project, to Council prior to next week's meeting and asked Council to give the proposal due consideration.

**3.2.4 Mr Geoff Rowley – Item 8.2.1 (Denmark Riverside Clubs Project)**

Mr Rowley, a member of the Project Team, stating that Council has supported the Bowling Club remaining at its current location and given its iconic location, at the entry to town, the Project Team were keen to ensure that whatever is done, is done right. Mr Rowley stated that the proposal would essentially mean the creation of an amalgamation of four clubs and the creation of a new entity. Mr Rowley referred to parts 3 & 4 of the Officers Recommendation and asked what Council proposed to allocate Royalties for Regions funding towards in the next year or so.

*The Shire President responded stating that Council gets allocated approximately \$1,000,000.00 each year however, 50% of those funds were required to be put towards regional projects. Cr Thornton stated that Council currently had links with Albany and Mt Barker and were in a co-operative arrangement with Albany and therefore there was only limited money which Council could put towards local projects.*

**3.2.5 Mr Murray Thornton – Item 8.2.3 (Denmark Surf Lifesaving Club Rooms)**

Mr Thornton provided an overview of the Denmark Surf Life Saving's membership (being 220 with 66 of those being patrol members) and activities stating that he believed that the Club provided significant economic & social contributions to the community. Mr Thornton said that the extensions were required due to the increase in members and the expansion of services provided by the Club. Mr Thornton referred to the Officer's Report, stating that the proposed first stage (before Council) did not include the removal of the front clubhouse however they would be looking to remove it in approximately 10 years, due to its age and proximity to the beach. Mr Thornton also referred to comment in the Officer's Report which stated that "the Surf Club's request for a contribution towards the estimated \$20,000 for architectural drawings for the current clubhouse for an investment of something in the order of \$600,000 to \$700,000 for a life span of up to 10 years, on the face of it, appears somewhat short-sighted", noting that he disagreed with the statement.

**3.2.6 Mrs Petra Thompson – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 3 (Lot 221) Knowles Court, Denmark)**

Mrs Thompson, a resident of Knowles Court, spoke against the proposal as they had bought their property believing that there would be no holiday accommodation in the area. Mrs Thompson expressed concern that if one approval was given then it could set a precedent whereby other nearby residents could make similar application. Mrs Thompson said that holiday accommodation essentially invited strangers into the neighbourhood and she had concerns relating to residents, and particularly, children's safety. Mrs

Thompson said that she understood the need for tourism development however urged Council to encourage businesses to provide tourist accommodation rather than holiday homes in residential areas.

**3.2.7 Mr Peter Polini – Centre for Sustainable Living**

Mr Polini requested that Council consider supporting the Centre for Sustainable Living's proposal to call for the Education Department to withdraw from their decision to require them to vacate the premises to allow the Denmark High School to expand into the area. Mr Polini stated that the CSL were asking the State Government to look for ways to continue the CSL's operations in its existing location and tabled a paper on the matter for Council information.

**3.2.8 Mr Paul Liebercht – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 3 (Lot 221) Knowles Court, Denmark)**

Mr Liebercht spoke against the proposal as he believed that there was plenty of evidence regarding anti social behaviour in areas with holiday homes, in other towns, stating that it was one thing to put restrictions on these proposals but another to enforce compliance. Mr Liebercht referred to Council Minutes of January 2011 where the future direction of holiday homes was considered by Council and noted that the Officer's Recommendation and the Resolution of Council from January were contradictory.

**3.2.9 Mr Gavin Drake – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 3 (Lot 221) Knowles Court, Denmark)**

Mr Drake, a resident of Knowles Court, spoke against the proposal and referred to Council's resolution to investigate the suitability of a Holiday Home Local Law, requesting that Council delay consideration of the proposal until this had been done. Mr Drake stated he believed that Busselton had a lot of holiday homes and was aware that there were a lot of noise problems as a result.

**3.2.10 Mr Anne Drake – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 3 (Lot 221) Knowles Court, Denmark)**

Mrs Drake, a resident of Knowles Court, spoke against the proposal as they had purchased their property believing that holiday homes would not be a feature of the area. Mrs Drake expressed concerns for residents' safety, particularly as the two adjoining properties were occupied by families with young children and noted that Lot 221 had no boundary fence.

**3.2.11 Ms Dawn Cottam – Item 8.1.1 (Proposed Holiday Home (Standard) – No. 3 (Lot 221) Knowles Court, Denmark)**

Ms Cottam spoke against the proposal stating that she believed it would be unfair to approve a holiday home in an area where the residents had not expected it and said that when people were on holidays, typically they weren't concerned about neighbours. Ms Cottam also stated that she believed that areas with holiday homes can essentially become "dead zones" and asked Council whether perhaps Price Street looked run down because it contained 3 or 4 holiday homes.

**3.3 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**3.4 PRESENTATIONS, DEPUTATIONS & PETITIONS**

**3.4.1 Mr Tony Pedro – Prescribed Burns**

Mr Pedro gave a presentation to Council advocating that higher fire fuel existing in areas which had been prescribe burnt as opposed to areas of untouched bushland. Mr Pedro showed a video demonstrating a fire fighting appliance which he had invented highlighting its features and differences

with current appliances and stating that he would be prepared to offer the design rights to the Council free of charge.

Mr Pedro requested that Council ask the Bush Fire Advisory Committee to convene a meeting to prohibit any further burning permits.

Mr Pedro also asked whether Council would consider the acquisition of alternative fire fighting appliances.

*The Shire President stated that he would refer the requests to Council's Community Emergency Services Manager for consideration.*

Mr Pedro asked whether his presentation documents could be included in the Minutes of the meeting.

*The Chief Executive Officer stated that the documents would be tabled and made public as attachments with his permission.*

5.28pm – The Director of Finance & Administration left the room

5.29pm – The Director of Infrastructure Services left the room.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**5. CONFIRMATION OF MINUTES**

**5.1 ORDINARY COUNCIL MEETING**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 5.1</b>
MOVED: CR SAMPSON	SECONDED: CR GILLIES
That the minutes of the Ordinary Meeting of Council held on the 22 November 2011 be confirmed as a true and correct record of the proceedings.	
CARRIED: 10/0	Res: 011211

**6. SUSPENSION OF STANDING ORDERS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 6</b>
MOVED: CR MARSHALL	SECONDED: CR SEENEY
That all Standing Orders be suspended for the remainder of the agenda items to enable detailed discussion, Councillors' questions and briefing by staff on the agenda items in accordance with Council's policy that the first Ordinary meeting of the month is a briefing/discussion meeting only and no decisions will be made on agenda items at this meeting. Decisions on the agenda items listed will be made at the meeting on the following Tuesday of the month.	
CARRIED: 10/0	Res: 021211

5.32pm – The Director of Community & Regulatory Services left the room.

**7. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**8. REPORTS OF OFFICERS**

The below item does not need to be considered until the meeting of the 20 December 2011 however, Councillors are encouraged to identify those Agenda Items from Item 8 (Officer Reports) through to and inclusive of Item 9 (Committee Recommendations) that they would like to discuss, debate, amend, ask questions in relation to or make comment on during that meeting.

ITEM NO.	HEADING	Declarations of Interest Yes / No	Absolute Majority Yes / No
8.1.1	PROPOSED HOLIDAY HOME (STANDARD) – NO. 3 (LOT 221) KNOWLES COURT, DENMARK	No	No
8.2.1	DENMARK RIVERSIDE CLUBS PROJECT	Yes	No
8.2.2	FISHING CLOSURE- SHEOAK DRIVE PARK	No	No
8.2.3	DENMARK SURF LIFESAVING CLUB ROOMS	Yes	No
8.2.4	GEOCACHE FRIENDLY COUNCIL POLICY	No	No
8.4.1	FINANCIAL STATEMENT FOR THE MONTH ENDING 30 NOVEMBER 2011	No	No
8.4.2	DENMARK ARTS INC - FESTIVAL OF VOICE	No	Yes
8.4.3	DENMARK YACHT CLUB INC – REQUEST FOR FINANCIAL ASSISTANCE	No	Yes
8.4.4	TENDER 1 2010/11 RENOVATION OF MCLEAN PARK CHANGEROOMS	No	No
8.5.1	APPOINTMENT COMMUNITY MEMBERS ON COUNCIL COMMITTEES & WORKING GROUPS	No	Yes
8.5.2	COUNCIL MEETING START TIME & DATES FOR 2012	No	No
8.5.3	MARGARET RIVER BUSHFIRE APPEAL DONATION	No	No
8.5.4	COMMUNITY CONSULTATION POLICY	Yes	No
9.1	SHIRE OF DENMARK AUDIT COMMITTEE – ADOPTION OF 2010/11 ANNUAL REPORT	No	Yes
10.1	CITIZEN, SPORTS, SCHOLARSHIP & LEADERSHIP AWARDS	Yes	No

If any of the above items are identified by Council they will be excluded from the following En-bloc recommendation.

**OFFICER RECOMMENDATION**

That the Officer Recommendations with respect to items ..... be adopted en bloc.

**8.1 Director of Planning & Sustainability**

**8.1.1 PROPOSED HOLIDAY HOME (STANDARD) – NO. 3 (LOT 221) KNOWLES COURT, DENMARK**

**File Ref:** A3528 (2011/155)  
**Applicant / Proponent:** Cherry Martin  
**Subject Land / Locality:** No. 3 (Lot 221) Knowles Court, Denmark  
**Disclosure of Officer Interest:** Nil  
**Date:** 28 November 2011  
**Author:** Duncan Ross, Senior Planning Officer  
**Authorising Officer:** Annette Harbron, Director of Planning & Sustainability  
**Attachments:** 8.1.1 a) – Planning Application Documentation  
 8.1.1 b) – Schedule of Submissions

**Summary:**

C Martin is seeking Planning Approval for a Holiday Home (Standard) to operate from No. 3 (Lot 221) Knowles Court, Denmark.

Having regard to the issues raised from submissions received, the provisions of Town Planning Scheme No. 3 (including Scheme Amendment 124) and the objectives and



provisions of Policy 19.3 – Holiday Homes, it is recommended that Planning Approval be granted subject to appropriate conditions.

### **Background:**

#### Current Application

An application for Planning Approval was lodged with Planning Services in October 2011 seeking Planning Approval to use the existing dwelling as a holiday home (standard) - refer Attachment 8.1.1a).

#### Scheme Amendment 124

Scheme Amendment 124 to Town Planning Scheme No. 3 (TPS No. 3) was granted final approval by the Minister for Planning on the 18<sup>th</sup> August 2011 and subsequently gazetted on the 27<sup>th</sup> September 2011. This amendment incorporated a number of provisions into TPS No. 3, namely:

- Including the following new definitions:

*Holiday Home (standard) - means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).*

*Holiday Home (large) – means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.*

- New Clause 5.38 – Permissibility of Holiday Homes in the Special Residential, Special Rural and Landscape Protection Zones:

*Notwithstanding any other use class permissibility contained within Appendix VI – Special Rural Zone, Appendix XIV – Special Residential Zones and/or Appendix XVI – Landscape Protection Zone of the scheme, Holiday Home (standard) or Holiday Home (Large) shall be classified as an SA use.*

- Amending Table 1 – Zoning Table by inserting the use classes of ‘Holiday Home (standard)’ and ‘Holiday Home (large), with the following designations applying:
  - “SA” use – Residential, Rural, Special Rural, Rural Multiple Occupancy, Special Residential and Landscape Protection zones;
  - “AA” use – Tourism zone

Specifically in relation to introducing TPS No. 3 provisions to facilitate consideration of ‘holiday home’ applications within Special Residential zones, the following reference was provided for in the Scheme Amendment 124 documentation:

*Special Residential areas are considered suitable for holiday homes due to larger lot sizes therefore generating negligible effects on the amenity of adjoining neighbours. Many of the Special Residential areas within the Shire of Denmark also provide high aesthetics due to their location on Mount Shadforth, along Wilson Inlet and within rural settings. Furthermore, short stay holiday makers have proven to be upwardly mobile and seek higher amenity settings such as provided by special residential areas.*

#### Policy 19.3 – Holiday Homes

Policy 19.3 – Holiday Homes (Policy 19.3) was adopted by Council at its meeting of 25 January 2011. Policy 19.3 provides details on preferred locations for the establishment/operation of holiday homes and various criteria in order to assess them.

Given that Policy 19.3 was adopted prior to the gazettal of Scheme Amendment 124, the policy currently references that holiday homes are a use class unable to be considered

in the Special Residential Zone (which is now at odds with the current TPS No. 3 provisions). At the time of adopting Policy 19.3 there was reference that this was going to occur and that upon gazettal of Scheme Amendment 124 there would be a need to undertake a review of Policy 19.3 accordingly. Planning Services are currently undertaking this review with the aim of preparing an amended policy for Council's consideration in early 2012.

**Comment:**

In accordance with TPS No. 3 the subject site is zoned Special Residential and as per Table 1 – Zoning Table of TPS No. 3 the use class of 'Holiday Home (standard)' is an SA use in the Special Residential zone – that is Council may, at its discretion, permit the use in the zone after giving public notice of the application in accordance with Clause 6.4 of the TPS No. 3.

Public advertising of the proposal was undertaken in accordance with Clause 6.4 of TPS No.3 (refer 'Consultation' section of the report), with twelve (12) submissions received. Attached as Attachment 8.1.1 b) is the Schedule of Submissions – with all submissions received being entered into the schedule as verbatim. Column 4 of the Schedule of Submissions represents Planning Services comments/response to the submissions.

The main issues referenced in the submissions are broadly addressed below.

- Precedence – this is the first application for a holiday home in the 'Special Residential' zone since the gazettal of Amendment 124, and approval to this application may set precedence for other applications to be approved however each needs to be considered on its merits, thus the basis for being an "SA" land use.
- Vehicle movements, access and parking concerns – it is not considered that vehicle movements associated with holiday accommodation properties, particularly those that are limited to 6 occupants, will be any greater than that associated with a single dwelling – acknowledging however that the period/time of vehicle movements may be different.

Should the application be approved, a condition of approval will be that the crossover, accessways and car parking areas (noting that two car parking bays are required to be provided on-site) are constructed (concrete, bitumen, brick paving) and subsequently maintained at all times to the satisfaction of the Shire of Denmark (Infrastructure Services).

- Noise - there are numerous existing holiday accommodation premises approved within the Shire that have not generated any complaints from neighbours regarding noise etc. and these activities operate successfully within residential areas. All noise from land uses and activities are governed by the *Environmental Protection (Noise) Regulations 1997*.
- Number and type of visitors - given the existence (without complaint) of similar operating holiday homes within the Shire, and the fact the proposal will be limited to accommodate a maximum of six persons within a dwelling of a size and scale compatible with the zoning, the effects generated by the type and number of visitors is anticipated to be minimal.
- Fire safety – there is no anecdotal evidence that visitors are more of a risk than local residents. The Shire's Community Fire Manager has reviewed the application and recommended several conditions which will advise future tenants of the risks and dangers associated with fire in the area. Included within this, and reflected as conditions of approval, are conditions requiring property owners to maintain the property in accordance with the Shire's Annual Fire Regulation Notice.
- Reduced feeling of community - there is no evidence that this proposal will diminish a sense of community and the comments reflect a perception only. It could in fact be argued the opposite, that is many homes in Denmark are holiday homes for absentee owners and that allowing them to be used for holiday accommodation purposes increases the level of activity within the neighbourhood and encourages

their owners to regularly maintain their properties in order to make them attractive for visitors.

There are currently no limits on the number of holiday home applications in any one locality however Policy 19.3 does reference the following:

*“The cumulative impact of holiday homes on the retention of the predominant residential nature and character of neighbourhoods are negated through the identification of preferred areas and residential densities which achieves a large coverage within the Shire. This allows for distribution of holiday homes via market forces”.*

- Pets – noting that the property is not fenced, it is recommended that should approval be forthcoming, a condition of approval is imposed that prevents pets on site whilst the property is being used for holiday home purposes.
- Risk to other properties - there is no link between holiday accommodation and vandalism or theft. Operators are required to keep a log of all visitors, thus if there is any issues this information can be provided directly to the police to investigate.
- Responding to complaints - any complaints will be need to be managed by either the property manager and/or the Denmark Police.

Should approval be granted, it will initially only be granted for 12 months at which time the applicant will need to lodge a renewal application. In determining the renewal application, Planning Services will have regard to any complaints received and/or adherence with the conditions of the original approval.

Having regard to the issues raised from the submissions, it is considered that they can be adequately addressed through conditions of approval where relevant.

#### Amenity Considerations

From an amenity perspective it is considered that this proposal for a holiday home to operate from the site will not generate any more than minor effects – noting that the majority of concerns relating to holiday homes are perceptual and are infrequently realised.

The dwelling itself is positioned to the rear of the lot, away from Knowles Court, and is located approximately 20m from the adjacent dwelling to the west and approximately 30m from the adjacent dwelling to the east. Some sporadic vegetation assists to screen the dwelling from these adjacent lots.

#### Conclusion

Overall from a Planning Services perspective it is considered that the proposal is consistent with the intentions of Scheme Amendment 124 and Policy 19.3, thus it is recommended that Planning Approval be granted subject to appropriate conditions.

Should Council consider that this proposal is inappropriate and are considering refusing the application, the following refusal grounds are provided for Council’s reference

- The proposal will adversely impact on the amenity of the surrounding established special residential area; and
- The proposal is inconsistent with the principles of orderly and proper planning.

#### **Consultation:**

##### External Consultation:

The proposal was advertised for public comment in accordance with Clause 6.4 of TPS No.3 from 6 October 2011 to 27 October 2011 (period of 21 days) as follows:

1. An advertisement was placed in the Denmark Bulletin on the 6/10/2011 inviting public comment; and

2. The application was referred to eight (8) surrounding landowners inviting comment.

Planning Services have also undertaken liaison with the applicant regarding the proposal and the issues raised in the submissions received.

Internal Consultation:

- Infrastructure Services
- Health Services
- Community Emergency Services Manager
- Planning Services

**Statutory Obligations:**

Town Planning Scheme No. 3 (TPS No. 3) specifies the pertinent development requirements for the site. Clause 5.38 of the TPS No. 3 states:

*5.38 – Permissibility of Holiday Homes in the Special Residential, Special Rural and Landscape Protection Zones*

*Notwithstanding any other use class permissibility contained within Appendix VI – Special Rural Zone, Appendix XIV – Special Residential Zones and/or Appendix XVI – Landscape Protection Zone of the scheme, Holiday Home (standard) or Holiday Home (Large) shall be classified as an SA use.*

Should Council refuse this Planning Application, as per the provisions of the *Planning and Development Act 2005* the applicant can apply to the State Administrative Tribunal for a Right of Review.

**Policy Implications:**

Policy 19.3 – Holiday Homes provides details on preferred locations for the establishment/operation of holiday homes and various criteria in order to assess them. Given that Policy 19.3 was adopted prior to the gazettal of Scheme Amendment 124, the policy currently references that holiday homes are a use class unable to be considered in the Special Residential Zone - which is now at odds with the current TPS No. 3 provisions).

Notwithstanding, Policy 19.3 has been considered to guide the assessment of this application – noting that Clause 8.2.5 of TPS No. 3 states:

*A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.*

**Budget / Financial Implications:**

There are no known financial implications upon the Councils current Budget or Plan for the Future.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION**

**ITEM 8.1.1**

That Council with respect to the development application for the Proposed Holiday Home (Standard) at No. 3 (Lot 221) Knowles Court, Denmark:

1. Notes the submissions received.
2. Grant Planning Approval subject to the following:
 

Conditions

  - a) This approval is valid for a temporary period of 1 year only and shall be subject to a new application in 12 months from the date of this decision where it may be renewed for a three year to five year period. (see Advice Note i)
  - b) A maximum of six (6) persons exclusive of the owner/operator may be accommodated at any one time within the holiday home.
  - c) The holiday home can only be rented for a maximum period of 3 months to any one person in any one calendar year.
  - d) Owner/operators must provide and maintain a register of all people who utilise the holiday home during the year to Council's satisfaction. A receipt book must be kept.
  - e) Prior to the commencement of activities, the premises must be registered with the Shire of Denmark (Health Services) as a holiday home, with fees payable as per Councils operative Fees and Charges Schedule at the initial 'premises' application stage and annually thereafter (Refer Advice Note ii).
  - f) Prior to the commencement of activities, an updated Property Management Plan being submitted and approved by the Shire of Denmark (Planning Services) which incorporates the following additional provisions:
    - Holiday makers being advised no pets (dogs, cats etc) may be taken to the property;
    - Fire and Emergency Plan including details of fire safety responsibilities, evacuation procedure and escape routes, fire extinguisher and smoke alarm locations; and
    - Emergency contact details of the caretaker/manager or management company.
  - g) Vehicle crossover onto Knowles Court to be designed and constructed (bitumen, concrete or brick pavers) to the specification and satisfaction of the Shire of Denmark (Infrastructure Services).
  - h) Provision of a minimum of two (2) on-site car parking bays, with the car parking bays and associated accessways being suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained.
  - i) All tenants at the commencement of an agreement to occupy the premises are to be provided with the following information:
    - Annual Registration Certificate;
    - Caretaker/manager or management company contact details;
    - Emergency contact details;
    - Code of Conduct; and
    - Fire and Emergency Plan.
  - j) Prior to the commencement of activities, the following fire safety measures are to be implemented to the satisfaction of the Shire of Denmark (Community Emergency Services Manager):
    - Provision of fire extinguishers, fire blankets and internal hardwired smoke alarms;
    - Maintenance of a Building Protection Zone around the dwelling;
    - Implementation and display of the approved Fire and Emergency Plan.

(See Advice Note iii)

Advice Notes:

- i. Should the Shire receive complaints or the above conditions of approval are not adhered to, Council may consider refusing to grant a new and/or longer approval.
  - ii. Please contact the Shire's Principal Environmental Health Officer (PEHO) on 9848 0300 regarding the requirements for registration of the premises as a 'Holiday Home'. Please contact the Shire's Community Emergency Services Manager (CESM) on 9848 0300 to arrange an inspection of the property to determine compliance with Condition j).
  - iii. The applicant is advised that all activities on-site are to comply with the Environmental Protection (Noise) Regulations 1997.
3. Advise the submitters of Council's decision.

5.32pm – *The Chief Executive Officer left the room.*

5.33pm – *The Director of Community & Regulatory Services returned to the room.*

*Discussion ensued.*

5.35pm – *The Chief Executive Officer returned to the room.*

5.36pm – *The Director of Finance & Administration returned to the room.*

5.36pm – *The Director of Infrastructure Services returned to the room.*

*Cr Osborne requested that the word "valid" be added before the word "complaint" in the Officer's Recommendation to provide clarity.*

*The Director of Planning & Sustainability responded that she would.*

5.52pm – *Cr Marshall left the room.*

5.55pm – *Cr Marshall returned to the room.*

*Prior to consideration of Item 8.2.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Osborne is a committee member of the Denmark Dragon Boat Club, Cr Rowland was a member of the Denmark Dragon Boat Club and plans to continue her membership and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Osborne & Cr Rowland declare that they will consider this matter on its merits and vote accordingly.*

## 8.2 Director of Community & Regulatory Services

### 8.2.1 DENMARK RIVERSIDE CLUBS PROJECT

<b>File Ref:</b>	3035
<b>Applicant / Proponent:</b>	Denmark Riverside Clubs
<b>Subject Land / Locality:</b>	Denmark Bowling Club
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	2 December 2011
<b>Author:</b>	Damian Schwarzbach, Manager of Recreation Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	8.2.1 a) - Letter from Denmark Bowling Club 8.2.1 b) – Extract from Council Minutes 22 March 2011

#### Summary:

The Denmark Riverside Clubs Project is seeking Council support to establish a multi user riverside club precinct on the A Class reserve 20403 currently occupied by the Bowling Club and Dragon Boat Club.

The Club requests:

1. A Council representative on the Riverside Project Committee;
2. An initial grant of \$5,000 to enable employment of architects to develop concept plans;
3. Allocation of \$100,000 from the Shire's Royalties for Regions funding towards Stage 1;
4. One third contribution to the project cost subject to a successful CSRFF application.

The report recommends that Council support the project in principle, appoint a representative to the Riverside Project Committee, but does not support the request for a grant of \$5,000 due to the precedent this would set for Council with other community group requests of a similar nature.

#### Background:

The Denmark Bowling Club developed and adopted a strategic plan in 2007 to meet the club's future growth and development.

In the same year Council established a Golf, Bowls and Tennis Club Working Group to investigate the needs of the clubs and the feasibility of amalgamating the Bowling club with the Country Club (Golf & Tennis).

This progressed to Council contracting a consultant (Jill Powell & Associates) to produce a report examining the long-term sustainability of the 3 clubs. The report was adopted by Council in September 2008.

During this process, the Bowling Club has made a decision to replace one of the greens with a synthetic surface. Council at its October 2007 meeting authorised unbudgeted expenditure of up to \$80,000 and a self supporting loan of up to \$85,000, over 20 years, as a contribution.

This was seen as an interim measure that would guarantee the viability of the Club whilst the longer term assessment was undertaken. In reality this ensured the Bowling Club would remain at the current site.

One of the recommendations from the consultant's report was for extensions to the club house.

The existing clubhouse is not able to adequately accommodate existing members and requires air-conditioning. The bar facilities are sub-standard and the kitchen is poorly ventilated and needs exhaust fans.

On 22 March 2011 Council resolved (full report attached) the following regarding this project:

*"That with respect to the request of the Denmark Bowling Club that Council support both the principle of demolition of their existing Clubhouse, being the former Denmark Railway Station Building, and also a one third cash contribution to a new Clubhouse at the location, Council respond as follows;*

1. *That Council does not support the proposed demolition of the current building;*
2. *That Council is prepared to consider supporting applications for grants for a new Clubhouse at the current site to a maximum cash and or in-kind value of one-third, plus additional self supporting loans, only if the Club can demonstrate to Council's satisfaction that it can meet its projected long term debt and ongoing commitments and has undertaken all necessary planning for the project.*
3. *That Council staff inspect the building with a view to helping Council and the Club determine its structural integrity and suitability for relocation and or modification.*
4. *If the Club wishes to proceed with planning for a new building on the site, that prior to part 2 being determined or considered, Council staff prepare for Council's consideration a draft concept plan for the Railway Heritage Precinct accommodating a relocated Railway Station Building for the purposes of undertaking community consultation."*



**Comment:**

The Club requests:

1. A Council representative on the Riverside Project Committee;
2. An initial grant of \$5,000 to enable employment of architects to develop concept plans;
3. Allocation of \$100,000 from the Shire's Royalties for Regions funding towards Stage 1;
4. One third contribution to the project cost subject to a successful CSRFF application.

The Club's current financial position appears sound due to the increase in usage and membership from the synthetic surface and a sound administrative structure.

Formation of the Denmark Dragon Boat Club adjacent to the Bowling Club and their efforts to find common interests with other like minded clubs has highlighted the potential for a multi-purpose club facility which meets the needs of several clubs, in



particular the bowling club, dragon boat club, classic boat club and potentially a canoe/kayaking club.

The establishment of a river sports precinct and river trail has merit and would give exposure to the respective clubs and increase the probability of attracting members.

These clubs have formed the Riverside Clubs Project and currently service over 300 members.

The proposal from the club is in 2 stages:

Stage 1 – construction of a pavilion on the bowling club house site, to provide spectator viewing areas, toilet/shower facilities, boat/equipment storage, club house facilities and reception area. The existing building is proposed to be relocated to the planned Heritage precinct at Crellin Street.

Stage 2 – a boat launch area incorporating the existing band stand building designed to provide safe river access for water craft.

Estimated costs provided by the Riverside Clubs Project for stage 1 Pavilion is \$1.2 - \$1.6 million. No costings have been completed for the second stage.

A Council representative on the Riverside Project Committee is a valid request. This would provide guidance to the committee plus allow Council access to the progression of the development.

The request for an initial grant of \$5,000 to enable employment of architects to develop concept plans has not previously been an area Council would be involved in. If Council approved this proposal it would have the potential to set a precedent for any community group to approach with similar requests.

Council already has in place their "Community Financial Assistance Grants" which are designed for community groups to seek financial assistance. This year there is \$20,000 available and the applications will open in February 2012 and close by the end of April 2012. Groups that are successful will be able to access the approved grant by the end of July 2012.

The Officer suggests to Council that the Denmark Riverside Clubs Project apply through this process for the \$5000 in funding they are seeking.

The allocation of \$100,000 from the Shire's Royalties for Regions funding towards Stage one of this project is not supported due to Council's resolution from the meeting held on 22 March 2011 in respect to parts 2 & 4.

"2. *That Council is prepared to consider supporting applications for grants for a new Clubhouse at the current site to a maximum cash and or in kind value of one-third, plus additional self supporting loans, only if the Club can demonstrate to Council's satisfaction that it can meet its projected long term debt and on-going commitments and has undertaken all necessary planning for the project.*"

"4. *If the Club wishes to proceed with planning for a new building on the site, that prior to part 2 being determined or considered, Council staff prepare for Council's consideration a draft concept plan for the Railway Heritage Precinct accommodating a relocated Railway Station Building for the purposes of undertaking community consultation.*"

Given these previous resolutions it is appropriate that Council reject the request the request for \$100,000 in Shire's Royalties for Regions funding but support the request for a one third contribution to the project cost subject to a successful CSRFF application as per parts 2 and part 4 of Council resolution 200311.

The draft concept plan for the Railway Heritage Precinct has not yet substantially commenced.

**Consultation:**

Nil

**Statutory Obligations:**

Nil

**Policy Implications:**

Policy P110304 SUSTAINABILITY & COLLOCATION (SPORT & RECREATION FACILITIES) relates as follows;

*“Council will give priority support to facility development or redevelopment that shows capacity for collocating or the sharing of resources.*

*Applicants must be community based organisations and incorporated under the WA Association Incorporations Act 1997.*

*Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbished current facilities to have a business plan appropriate to the size of their organisation.*

*Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for at least the next 10 years or such period requested by Council.”*

**Budget / Financial Implications:**

There are potential large financial considerations for the Council in future budgets.

The estimated build cost of the project is between \$1.2 - \$1.6 million which would be \$400,000 - \$567,000, as Council's one third contribution. The cost of relocating the existing building would be an additional cost to Council which would need to be financed from potential grant funds and/or a yet to be identified suitable lessee.

As of 1 July 2011, the Denmark Bowling Club currently has two self supporting loans with Council totalling:

- Loan 140 \$57,894.00
- Loan 141 \$60,108.00

Council also pay for insurance on the clubhouse totalling \$909 for 2011/12.

**Strategic Implications:**

The Denmark Bowling Club's lease expires on the 30 October 2029, which was a new 21 year lease approved by Council on the 28 October 2008.

**Sustainability Implications:**

➤ **Environmental:**

There is a 30 metre exclusion zone from the banks of the Denmark River marked as an Aboriginal Heritage area.

Stage 1 of this project will be above the 30m mark exclusion zone stage 2 which includes the bandstand and the boat launching area will be in it and will require a section 18 approval.

➤ **Economic:**

There are no known significant strategic implications relating to the report or the officer recommendation.

➤ **Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of personal wellbeing / good health in each member and, collectively, within the community.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.2.1

That with respect to the Denmark Bowling Club's Riverside Project Committee's 15 November 2011 request for financial and organisational support Council respond as follows;

1. Council appoint the Manager Recreation Services as the Council representative on the Denmark Bowling Club's Riverside Project Committee.
2. That the Denmark Bowling Club's Riverside Project Committee be encouraged to apply for a Council's Community Financial Grant to contribute to the engagement of architects to develop concept plans for the Riverside Clubs Project when these grants open in February 2012.
3. That Council not support the Denmark Bowling Club's (Riverside Clubs Project) request for an allocation of \$100,000 from the Shire's Royalties for Regions funding towards Stage 1 of the project.
4. That Council advise the Denmark Bowling Club's Riverside Project Committee that it is prepared to support the request for a one third contribution to the project cost of both stages of the development subject to a successful CSRFF application as per parts 2 and part 4 of Council resolution 200311.

*Discussion ensued.*

*Cr Syme expressed a concern that the Officer's Recommendation referred to Council's support and contribution towards both stages however there was no reference as to how much stage 2 was likely to cost.*

*The CEO agreed that part 4 could perhaps be separated into two separate parts to address Cr Syme's concerns.*

*Cr Lewis requested a visit of the site. The CEO advised that Councillors were scheduled to visit the Denmark Historical Society Museum next week and that a site visit could be incorporated.*

*Cr Syme noted that given parts of the proposed development was within 30 metres of the Denmark River, whether consideration had been given to liaison with the Department of Indigenous Affairs as the land was a registered area of Aboriginal heritage significance.*

*The Director of Community & Regulatory Services advised that he would investigate the matter and provide a response for next week's meeting.*

**8.2.2 FISHING CLOSURE - SHEOAK DRIVE PARK**

<b>File Ref:</b>	A3057
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Sheoak Drive, East River Rise / Airfield Estate
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 December 2011
<b>Author:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	Nil

**Summary:**

This report considers the outcome of a survey that was distributed to East River Rise/ Airfield Estate property owners regarding the potential closure of the Park on Sheoak Drive to recreational fishing and recommends that Council resolve to retain the current status of the water body to fishing.

**Background:**

During the previous marroning season Council staff and nearby Councillors received complaints from East River Rise/Airfield Estate residents regarding the antisocial behaviour and litter being left behind.



One resident has approached Council with a request that the reserve be closed to fishing and survey of property owners in the area has indicated a majority of support for the closure among those who responded to the survey.

Out of the 42 forms that were mailed out 13 were returned (summary attached) which represents a 30% response rate. The returned forms indicated that 9 property owners supported the closure while 4 objected.

Given that the response rate does not reflect a majority of the property owners (50%) the matter has been referred to Council for determination.

At its 22 November 2011 Council considered the requested closure and deferred the matter pending research into the fishing rights of Indigenous persons with the following motion.

*“That the item be deferred pending investigation regarding the possible rights of Indigenous persons to access the reserve for fishing purposes.”*

**Comment:**

The substance of the complaints from residents is that people fishing in the reserve periodically leave cat food and sardine tins, bait and abandoned fishing equipment either in the water or on the foreshore margin. In addition to this some residents have had their outdoor furniture stolen off their verandas and taken down to the foreshore presumably by people fishing in the reserve who have decided to enjoy their evening in comfort.

One resident has advised that she collected 3 bags of rubbish from around the water body last season and adjoining property owners feel quite intimidated by the fact that if some fishermen are bold enough to “borrow” their outdoor furniture they may also be bold enough break into properties in the area.

East River Rise / Airfield Estate is a relaxed, secure special rural estate and the survey responses and additional comments reflect that lifestyle expectation and the central issue in considering this request is whether or not the desire of surrounding residents for security and amenity overrides the wider community's right to use a public park. The other issue that runs parallel to this is the question of whether or not it is realistic for a person who buys land next a community facility, CBD or park that draws benefit from that facility should be able to complain about factors that are intrinsically associated with that facility's use.

Notwithstanding the preceding hierarchy of land use debate there are environmental benefits that would flow from a proposed closure as it would prevent pollution of the water body through abandoned bait, tins cans, abandoned fishing gear and plastic bags and reduce the risk of public injury through contact with these items.

Another factor that Council needs to consider in regards to any closure is the enforceability of that closure and in this case residents in the area will expect Council's rangers to be available out of hours to enforce the closure. It is estimated that the cost of out of hours calls could be as high as \$7,500 in the first season with these costs decreasing in future seasons as the community grasps that Council is serious about enforcing the closure.

Another factor that will complicate enforcement is the fact that erecting a sign closing the reserve to fishing, this Council referral and subsequent media coverage will advertise the water body's presence as "rarely fished area" that will be a target for future poaching as for many fishermen the excitement of getting to a rarely fished area is half the fun.

In summary the points for and against the closure are as follows:

For the closure:

- 1) Preserve amenity and security of the area.
- 2) Prevents pollution of the water body through abandoned bait, tins cans, abandoned fishing gear and plastic bags and reduce the risk of public injury through contact with these items.
- 3) It will help to preserve the fish stock in the long term as amateur fishermen if left unregulated have the time and resources to fish water body to the point where its resources are largely depleted.
- 4) It is likely that the scale of the problem at this reserve will increase as the region's population and tourist numbers increase and it easiest to close the reserve to fishing now while the numbers of people fishing in the reserve is still small.
- 5) That where practicable all of Council's urban reserves should operate as "nature reserves" and be closed to fishing.

Against the closure:

- 1) The reserve is a public reserve and public should be able to have access to it.
- 2) The closure will also mean that residents of the East River Rise/ Airfield Estate will not be able to fish in the reserve and risk infringement if they do so.
- 3) That problem is relatively minor and could be managed through either periodic community volunteer or Council funded clean ups.
- 4) People living near community facilities should be realistic and expect some level of impact in return for the benefit that these facilities bring.
- 5) That property security is in the first instance the responsibility of the individual land owner and that in the first instance they should take reasonable steps to secure their own property rather than limiting the rights of the wider community.
- 6) The rights of indigenous persons of the region to traditional fishing regardless of a ban on fishing to everyone else.
- 7) The matter of leaving refuse behind and/or antisocial behaviour is one that should be enforced by Council's Rangers who should be able to liaise with adjoining

landowners who can assist as the eyes and ears of the local community in policing the reserve.

*Cr Marshall's comments;*

*As a bus driver I have 13 families with a total of 18 children that have been catching the bus regularly on Sheoak Drive this year.*

*Of these, only four families with a total of 4 children that catch the bus have signed the petition.*

*Nine families with 14 children that catch the bus haven't signed the petition.*

*To my knowledge NINE petition signatures and addresses are from residents of other areas and not residents of this particular subdivision (ie two as far away as Inlet Drive).*

*It is my opinion that there is no advantage to be gained by closing the above mentioned dam for fishing purposes. It appears to me that the person wanting the dam closed particularly cited incidents and seemed to have most of her problems with Indigenous persons as they were upset when they couldn't find their fishing sticks in her bushes. Closing the dam will not solve her problem because of the rights of indigenous people. Other people could also become upset if one culture is permitted to fish the dam anytime and another is not allowed to fish there at all.*

Officer Comment:

Given the information that Councillor Marshall has obtained, it is agreed that there is little to be gained by the closure if it cannot be closed to everyone as justifying enforcement would become very difficult when one party is allowed to still fish there.

In addition to this it would be quite an insult to residents in the area if the closure that some of them requested meant that they could not fish in their development's reserve but others could.

Given these factors and Cr Marshall's research it is recommended that Council resolves not to close the reserve to fishing.

**Consultation:**

A survey regarding the closure proposal was mailed to all East River Rise / Airfield Estate property owners and the results of the survey were mailed to all of the survey respondents.

Cr Marshall has also provided information on her dialogue with Harley Coyne who is an employee of the Department of Indigenous Affairs in Albany.

**Statutory Obligations:**

Council has the power under its Property Local Laws to close the reserve for fishing but these powers are potentially overridden by Indigenous fishing rights.

**Policy Implications:**

Nil

**Budget / Financial Implications:**

Assuming that Council could enforce a closure it is estimated that the cost of out of hour's calls could be as high as \$7,500 in the first season with these costs decreasing in future seasons as the community grasps that Council is serious about enforcing the closure.

In addition to this an allocation of approximately \$400 will be required for advisory signage regarding the closure.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

The closure of this reserve to fishing would potentially prevent pollution of the water body through abandoned bait, tins cans, abandoned fishing gear and plastic bags and reduce the risk of public injury through contact with these items.

It would also help to preserve fish stocks in the long term which in turn can used to restock other water ways as part of environmental initiatives.

➤ **Economic:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Social:**

The proposed closure is potential point of social conflict as it pits interests of local property owners against the freedoms of the local community.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.2.2
<p>That notwithstanding the concerns regarding over exploitation of its fish stocks and antisocial behaviour, Reserve 46542, at the Sheoak Drive Park, remain open to fishing and the Chief Executive Officer be requested to ensure Council's Law Enforcement Officers are vigilant to antisocial behaviour and littering at the reserve during the marron season.</p>	

*Discussion ensued.*

*The Director of Community & Regulatory stated that the comments provided by Mr Coyne had been removed from the report at the request of Mr Coyne and provided information to Councillors relating to Recreational Fishing.*

*Prior to consideration of Item 8.2.3 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Thornton is the Vice Patron of the Denmark Surf Life Saving Club and Cr Marshall is a life member of the Denmark Surf Life Saving Club and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Thornton & Cr Marshall declare that they will consider this matter on its merits and vote accordingly.*

**8.2.3 DENMARK SURF LIFESAVING CLUB ROOMS**

<b>File Ref:</b>	A3035
<b>Applicant / Proponent:</b>	Denmark Surf Lifesaving Club Inc
<b>Subject Land / Locality:</b>	Ocean Beach
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	2 December 2011
<b>Author:</b>	Damian Schwarzbach, Manager of Recreation Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Attachments:</b>	8.2.3 a) – Letter & drawings 8.2.3 b) – Extract from Coastal Reserves Management Strategy

**Summary:**

The Denmark Surf Lifesaving Club are proposing extensions to the their Clubrooms and support for the concept of relocating the Council’s public toilet block and the existing clubrooms at Ocean Beach in the longer term (beyond 10 years).

The Club seeks Council financial assistance of up to \$20,000 for detailed architectural drawings, a scope of works document and for project financials for their current project – to redesign the current clubrooms. The request is for either Council to assist and or identify other suitable avenues of funding.

The report recommends that Council support the project in principle and meet with the Club to ascertain their long term plans and aspirations for the site.

**Background:**

The Denmark Surf Life Saving Club was officially formed on the 27th of November 1958 with the first patrol commenced Sunday 14 December 1958.

By the end of 1960, the first clubhouse was built and is still in use today housing the patrol equipment, members’ boards and the kiosk. The clubhouse provided a venue to train the first Ocean Beach surf life saving group who were awarded the Bronze Medallion in 1962.

25 years later a new club rooms were commenced and late 1987 saw the completion of the first storey of a new club house (second storey completed in 1993) with a function room, kitchen and toilet facilities plus extensive storage space.

In 1999 and in 2008, Denmark SLSC hosted the Surf Life Saving WA Country Carnival which attracted many clubs from around WA.

From the small and dedicated group of surf club pioneers numbering around 18 active members in 1964 to 66 active members in 2009. Patrols have been extended to include full time paid life guards during the summer school holidays and voluntary patrols on Saturday afternoons, plus the usual all day Sunday patrols.

The current premises are owned by the club on land leased from the Shire of Denmark with a new lease for 21 years about to be signed (authorised by Council in October 2011).



**Comment:**

The Denmark Surf Lifesaving Club has produced some preliminary sketches of the proposed future extensions to the club house. The future plans include removing the old original club house on the bottom level in front of the beach and replicating part of its functions in the new proposed facility. The works are all proposed on their current (new) leased area.

The public toilet facility was recently upgraded by Council with over \$100,000 invested and should see the facility have a useful life of at least another 20 years and it is suggested by the Officer, that Council should only be prepared to relocate it once or if a master planning process for the Ocean Beach and the surrounding recreational area has been completed.

The Surf Club would be encouraged to participate as a key stakeholder in the master planning process.

This process will enable Council to conduct public consultation and to ensure that the area caters for the needs of as many community users as possible. It will also enable Council to consider any environmental impacts associated with the foot print of the development. Once complete the master planning process should lead to a better planned overall project that would provide a more coordinated use of both Council and community finances and greater access to grant funding and understand the desires of the Club and the greater community.

The Surf Club's request for a contribution towards the estimated \$20,000 for architectural drawings for the current clubhouse for an investment of something in the order of \$600,000 to \$700,000 for a life span of up to 10 years, on the face of it, appears somewhat short-sighted. For this reason it is recommended that the Executive of the Club be invited to address Council at a briefing session on their medium to long term plans.

The request from Council's 2012/13 budget (for architectural design as opposed to construction) is inconsistent with Council's past club development practices and may set a precedent where by Council is obligated to make similar contributions to other groups into the future.

This recommendation is consistent with the recommendation for the Bowling Club Riverside Clubrooms project that is also currently before Council in this agenda.

Council already has in place their "Community Financial Assistance Grants" which has a total of \$20,000 in funding available. Applications for these grants open in February 2012 and close by end of April 2012. If successful, the Surf Lifesaving Club would be able to access a portion of the funding they are seeking by the end of July 2012. The Club would probably not receive the full amount but a contribution towards the project would be of assistance.

The Shire of Denmark Coastal Reserves Management Strategy and Action Plan 2010-2020 adopted by Council on 22 February 2011 makes the following comments in regards to the Ocean Beach and the club house (refer Attachment 8.2.3 b).

Recommended Actions included:

*OB 13. Maintain the toilet facilities as required.*

*OB 16. Install shaded picnic tables, BBQ's and a children's play equipment to the east of the toilet block and investigate expansion of Denmark Surf Lifesaving Club clubroom facilities and amenities.*

**Consultation:**

Nil

**Statutory Obligations:**

Nil

**Policy Implications:**

The Surf Club's request for assistance towards their need for \$20,000 from Council's 2012/13 budget is inconsistent with Council's past club development practices and may set up a precedent where by Council is obligated to make similar contributions to other groups.

Policy P110304, on the Sustainability & collocation (sport & recreation facilities), states;

*"Council will give priority support to facility development or redevelopment that shows capacity for collocating or the sharing of resources.*

*Applicants must be community based organizations and incorporated under the WA Association Incorporations Act 1997.*

*Council will require community based organisations seeking public funds of greater than \$10,000 for developing new or refurbishing current facilities to have a business plan appropriate to the size of their organisation.*

*Council will contribute to a maximum of one-third (1/3) only of major facility development / redevelopment with a project cost greater than \$50,000 to demonstrate the need for such development and their strategies to ensure that the development will be viable for a least the next 10 years or such period requested by Council".*

**Budget / Financial Implications:**

Council currently contributes \$14,000 per annum towards employing two lifeguards during the summer months.

The Club received a Community Financial Assistance Grant in 2007 for \$2,039.00 to assist with the installation of satellite broadband internet and the club's 50<sup>th</sup> Anniversary celebrations.

Council has \$10,350 allocated in the current budget towards improving access to the toilet block, surf club and beach and this is currently being designed and quoted upon.

**Strategic Implications:**

The Denmark Surf Lifesaving Club's lease was approved for another 21 year extension at the Council meeting on 25 October 2011, therefore expiring in October 2032.

**Sustainability Implications:****➤ Environmental:**

The Limestone overhang on the opposite side of the road to Prawn Rock Channel is listed as an Aboriginal Heritage Site.

**➤ Economic:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**➤ Social:**

Council has recognised the significant community value of organised competitive sport and less formal passive and active recreational activities.

The positive social interaction between members, as well as the health benefits derived from the physical exercise of active participation in the sport result in a sense of

personal wellbeing / good health in each member and, collectively, within the community.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION

ITEM 8.2.3

That with respect to the Denmark Surf Lifesaving Club's request for financial support for architectural drawings for their proposed clubroom extensions, Council advise that it supports the principle and that it would be prepared to consider a one third contribution towards the architectural design costs associated with design in the 2012/13 Budget and suggests a meeting between their executive and the Council at a briefing session to better explore understand their long-term aspirations and the land tenure and planning implications associated. In the interim the Club is encouraged to apply for funding from Council's Community Financial Grant program, when these grants open in February 2012, and also from the Department of Sport & Recreation, Lotterywest and Great Southern Development Commission Regional Grants Rounds.

*Discussion ensued.*

*Cr Syme asked whether the Officer's Report would be amended to reflect comments made by Mr Thornton at Public Question Time relating to the removal of the old club rooms and the statement about "short-sightedness".*

*The Director of Community & Regulatory Services responded stating that the issues raised by Mr Thornton could be looked into and if appropriate he would amend the Report for next week's Agenda.*

*Cr Syme requested that reference to Prawn Rock Channel include its Reserve number as it was on a different reserve than that of the Surf Club.*

*Cr Thornton requested that recognition of the Surf Club's volunteer contribution to the community be mentioned within the Report.*

*The Director of Community & Regulatory Services noted that he would amend the Report accordingly.*

**6.27pm - Public Question Time**

*The Shire President stated that the second public question time would begin & called for questions from members of the public. There were no questions.*

*6.30pm – The Shire President adjourned the meeting for a short break.*

*6.43pm – The meeting resumed with all members and staff who were present prior to the adjournment with the exception of Cr Osborne & Cr Sampson who did not return.*

## 8.2.4 GEOCACHE FRIENDLY COUNCIL POLICY

<b>File Ref:</b>	A3057
<b>Applicant / Proponent:</b>	
<b>Subject Land / Locality:</b>	All of Council Controlled Land
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	4 <sup>th</sup> December 2011
<b>Author:</b>	Gregg Harwood, Director of Community & Regulatory Services
<b>Authorising Officer:</b>	Gregg Harwood, Director of Community & Regulatory Services
	8.2.4 a) – Geocaching Brochure
	8.2.4 b) – Geocache Letterbox Permit Application
<b>Attachments:</b>	8.2.4 c) – Geocache Site Registration Form
	8.2.4 d) – GPS Unit Checkout
	8.2.4 e) – Helpful Hints for Hiding Geocaches

### Summary:

This report considers the merits of supporting the installation of geocaches on Shire of Denmark controlled land and infrastructure and recommends that Council delegate authority to the Chief Executive Officer to issue licences to individuals to install and maintain geocaches on Council controlled land and infrastructure.

### Background:

Geocaching is an outdoor sporting activity in which the participants use a Global Positioning System (GPS) receiver or mobile device and other navigational techniques to hide and seek containers, called "geocaches" or "caches", anywhere in the world.

It is similar to the 150-year-old game letterboxing, which uses clues and references to landmarks embedded in stories. Geocaching was conceived shortly after the removal of Selective Availability from GPS on May 2, 2000, because the improved accuracy of the system allowed for a small container to be specifically placed and located. The first documented placement of a GPS-located cache took place on May 3, 2000, by Dave Ulmer of Beavercreek, Oregon. The location was posted on the Usenet newsgroup as 45°17.460'N 122°24.800'W. By May 6, 2000, it had been found twice and logged once. The original stash was a black plastic bucket buried most of the way in the ground and contained software, videos, books, food, money, and a slingshot

A typical cache is a small waterproof container containing a logbook where the geocacher enters the date they found it and signs it with their established code name. Larger containers such as plastic storage containers (Tupperware or similar) or ammunition boxes can also contain items for trading, usually toys or trinkets of little value. Geocaching is often described as a "game of high-tech hide and seek", sharing many aspects with benchmarking, trigpointing, orienteering, treasure-hunting, letterboxing, and waymarking.

While some geocaches are simply well hidden Tupperware containers others are cleverly designed to look like they are part of a piece of infrastructure and some have the added novelty of a complicated opening mechanism or a puzzle that must be solved to open the cache. Small items such as "travel bugs" are often left in geocaches and people opening swap the travel bug for another or a similar item and log the bugs progress around the world on website.

Geocaches are currently placed in over 100 countries around the world and on all seven continents, including Antarctica. After 10 years of activity there are over 1,532,000 active geocaches published on various websites and there are over 5 million geocachers in the world looking for them. Many geocachers log their travels on websites and encourage other geocachers to visit challenging caches and those at attractive locations.

The geocaching culture is that geocachers are asked to treat the land with respect and trade fairly. If they take something from the geocache, they should leave something in

the geocache. There is usually a log book in the geocache where they can record their own visit for future finders to read.

There is an international system for rating Geocaches in terms of ease of access and difficulty of finding them and the Handicaching network that aims to improve the accessibility of Geocaching for disabled people all over the world.



Standard Tracking Coded & Jeep Promotional Travel Bugs

**Comment:**

There are currently 9 geocaches that have been installed in Shire of Denmark controlled public places without specific Council approval and these numbers are likely to increase as local geocachers start to master the art of finding caches and seek to build a cache that will be a challenge for other geocaches to find.

If geocaches are thoughtfully located the hobby is a benign, socially constructive activity which if properly conducted by those searching for the caches has very limited environmental impact.

Internet research indicates that the licensing of geocache sites which is practiced in most American National Parks is the most practical option and examples of a geocache licence application forms are attached.

It proposed to regulate and facilitate the installation of geocaches on Council managed land by providing geocachers with the opportunity to apply for free 5 year geocache site licences.

The benefits of well located, licensed geocaches as opposed to laissez-faire poorly located geocaches are as follows:

Poorly located geocaches can however lead to the following problems:

Geocaches installed in or near playgrounds or public toilets can place both geocaches searching these areas and members of the public using those facilities in an uncomfortable position.

Geocaches installed in busy public areas spoil the individual experience of finding the cache and are prone to vandalism.

Geocaches need to be installed in areas where users are safe from both vehicle and natural hazards.

Geocaches installed in weed or phytophthora infected areas can lead to the spread of these species.

Council infrastructure being damaged or possibly being made unsafe through poor geocache installation.

Adopting a “Geocache Friendly Council” Policy and licensing well located geocaches will lead to the following benefits:

Geocaching is a safe, educational, low impact and inexpensive recreational activity that is ideally suited to families. It provides an excellent activity for seniors who are looking for ways to bond with their grandchildren.

If Council does not put in place workable mechanisms to licence and manage geocaches the benign but slightly alternate and underground founding culture of geocaching means that they will be installed anyway. The very nature of geocaches means that even if Council resolved to oppose their installation it would be difficult for staff to stop them being installed and it would be even harder to find existing caches and remove them.

Licensing geocaches would enable them to be installed in the correct areas and reduce the risk of the caches themselves being inadvertently damaged or removed by Council workers during maintenance operations who might otherwise mistake them for litter, vandalism or redundant services.

Increased usage and respect for Council reserves and infrastructure and community reporting of damaged or deteriorated assets.

Geocaching if supported and promoted correctly through means such as innovative caches and travel bugs can be a significant source of off peak tourism income. In America where geocaching is firmly established companies such as Chrysler/ Jeep actually produce promotional geocache travel bugs and some American Counties actually hire out GPS units to get people geocaching so they stay longer in their County. A similar approach could be undertaken in Denmark by producing a special series of numbered “blue wren” travel bugs that could be tracked around the world using a promotional Denmark tourism website.

By becoming known as “Geocache Friendly Council” the Shire Denmark will encourage the installation of more imaginative caches which will in turn attract more geocachers to visit Denmark to find them. Similarly a run of branded “Denmark” travel bugs would put Denmark on the map with geocachers worldwide.

It is recommended that the installation of geocaches be regulated and facilitated through the adoption of the following policy:

P050304      GEOCACHE FRIENDLY COUNCIL

Objective

*To promote the Shire of Denmark as a “Geocache Friendly Council” and to facilitate and regulate the installation of geocaches so that the risk of harm to people searching for them is minimised and damage to the environment or Council infrastructure as a result of geocache installation and access is eliminated.*

Policy

*As a “Geocache Friendly Council” the Shire of Denmark facilitates and regulates the installation of geocaches through the following means:*

- 1) *The issue of free 5 year geocache licences to install and maintain geocaches on Council controlled land and infrastructure where;*
  - a) *The geocache in question does not represent a reasonable a risk of harm to people searching for them.*

- b) *There is little likelihood that the proposed geocache will result in significant damage to the environment or Council infrastructure as a result of its installation or ongoing access.*
- 2) *Providing opportunities for the installation of geocaches when new infrastructure and paths and trails are built.*
  - 3) *Maintaining an active relationship with local geocache licence holders.*
  - 4) *Seeking to assist with geocache based tourism initiatives when these opportunities become available.*

#### Responsibility for Implementation

*The Director of Community & Regulatory Services has responsibility for the implementation of this policy and the issuing geocache licences and is to consult with Directorate of Planning & Sustainability and Infrastructure Services staff in issuing licences where there is a need to do so.*

#### **Consultation:**

This report has been prepared a result of a Council briefing session with a local geocacher and the matter has been referred to the CEO of the Denmark Visitor Centre for comment. The CEO of the Denmark Visitor Centre supports the principle of Denmark becoming a “Geocache Friendly Council”.

#### **Statutory Obligations:**

Council has the power under its Property Local Laws to control what takes place on its land and infrastructure.

#### **Policy Implications:**

This report recommends that Council adopt a “Geocache Friendly Council” policy.

#### **Budget / Financial Implications:**

The creation a “Geocache Friendly Council” policy is not likely to have any significant impacts on Council’s current or future budgets as the caches are installed and maintained by private enthusiasts.

There is however a future possibility that Council may be approached for a small contribution for “Denmark Travel Bugs” if geocaching develops to the point where it is used as a promotional tool.

#### **Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

#### **Sustainability Implications:**

##### ➤ **Environmental:**

The regulation of geocaches will prevent environmental damage as a result of their installation and ongoing access.

##### ➤ **Economic:**

Well installed geocaches have the ability to contribute to the numbers of people visiting Denmark which in turn increases economic activity.

##### ➤ **Social:**

Geocaching is a safe, educational, low impact and in expensive recreational activity that is ideally suited to families. It can also provide an excellent activity for seniors who are looking for ways to bond with their grandchildren.

**Voting Requirements:**

Simple majority

OFFICER RECOMMENDATION

ITEM 8.2.4

That Council adopt the following policy in relation to the installation and ongoing access of “Geocaches” on Council controlled land and infrastructure.

P050304      GEOCACHE FRIENDLY COUNCIL

Objective

*To promote the Shire of Denmark as a “Geocache Friendly Council” and to facilitate and regulate the installation of geocaches so that the risk of harm to people searching for them is minimised and damage to the environment or Council infrastructure as a result of geocache installation and access is eliminated.*

Policy

*As a “Geocache Friendly Council” the Shire of Denmark facilitates and regulate the installation of geocaches through the following means:*

- 1) *The issue of free 5 year geocache licences to install and maintain geocaches on Council controlled land and infrastructure where;*
  - a) *The geocache in question does not represent a reasonable a risk of harm to people searching for them.*
  - b) *There is little likelihood that the proposed geocache will result in significant damage to the environment or Council infrastructure as a result of its installation or ongoing access.*
- 2) *Providing opportunities for the installation of geocache when new infrastructure and paths and trails are built.*
- 3) *Maintaining an active relationship with local geocache licence holders.*
- 4) *Seeking to assist with geocache based tourism initiatives when these opportunities become available.*

Responsibility for Implementation

*The Director of Community & Regulatory Services has responsibility for the implementation of this policy and the issuing geocache licences and is to consult with Directorate of Planning & Sustainability and Infrastructure Services staff in issuing licences where there is a need to do so.*

*Discussion ensued.*

**8.3 Director of Infrastructure Services**

Nil



## 8.4 Director of Finance & Administration

### 8.4.1 FINANCIAL STATEMENT FOR THE MONTH ENDING 30 NOVEMBER 2011

<b>File Ref:</b>	FIN.1
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Denmark
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2011
<b>Author:</b>	Garry Bird, Director of Finance and Administration
<b>Authorising Officer:</b>	Garry Bird, Director of Finance And Administration
<b>Attachments:</b>	8.4.1 - Monthly Financial Report

#### Summary:

It is a requirement of the Local Government Act 1995 that monthly and quarterly financial statements are presented to Council, in order to allow for proper control of the Shire's finances. In addition, Council is required to review the Municipal Budget on a six monthly basis to ensure that income and expenditure is in keeping with budget forecasts. It should be noted that the budget is monitored on a monthly basis in addition to the requirement for a six monthly review.

The attached financial statements and supporting information are presented for the consideration of Elected Members. Council staff welcome enquiries in regard to the information contained within these reports.

#### Background:

In order to prepare the attached financial statements, the following reconciliations and financial procedures have been completed and verified;

- Reconciliation of all bank accounts.
- Reconciliation of the Rates Book, including outstanding debtors and the raising of interim rates.
- Reconciliation of all assets and liabilities, including payroll, taxation and postal services.
- Reconciliation of the Sundry Debtors and Creditors Ledger.
- Reconciliation of the Stock Ledger.
- Completion of all Works Costing transactions, including allocation of costs from the Ledger to the various works chart of accounts.

#### Comment:

Shire Trust Funds have been invested for eighty days with the National Bank, maturing 19 December 2011 at the quoted rate of 5.70%

Reserve Funds have been invested with Members Equity Bank, placed in an on call cash account at the rate of 5.30%.

A new municipal investment of \$1,500,000 has been placed with the National Bank for a term of 90 days, maturing 29 January 2012 at the rate of 5.72%.

#### Key Financial Indicators at a Glance

The following comments and/or statements provide a brief summary of major financial/budget indicators and are included to assist in the interpretation and understanding of the attached Financial Statement.

- Taking into consideration the adopted Municipal Budget and subsequent amendments identified, the estimated 30 June 2012 end of year position is estimated to be a small deficit of \$1,711.00, which will be addressed in the Six Month Budget review to be undertaken in January 2012. (Note 5).

- Operating revenue is slightly higher than that predicted for 30 October 2011, whilst operating expenditure is slightly less (Statement of Financial Activity).
- The 2011/12 Capital Works Program has now commenced, with 4.92% of works completed as at 30 November 2011 (Note 10).
- Rates Collection percentage of 72.41% is in keeping with historical collection rates (Note 6).
- Various transfers to and from Reserve Funds have not been made, generally being undertaken in conjunction with the relevant project.
- Salaries and Wages expenditure is proceeding as per budget estimates (not reported in Financial Statement).

**Consultation:**

Nil

**Statutory Obligations:**

Local Government Act 1995 Section 5.25 (1)

Local Government (Financial Management) Regulations 1996

The attached statements are prepared in accordance with the requirements of the Local Government Act 1995.

**Policy Implications:**

Policy P040222 relates as follows;

**MATERIAL VARIANCES IN BUDGET AND ACTUAL EXPENDITURE**

*For the purposes of Local Government (Financial Management) Regulation 34 regarding levels of variances for financial reporting, Council adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level that requires an explanation or report, with a minimum dollar variance of \$5,000.*

*The material variance is calculated by comparing budget estimates to the end of month actual amounts of expenditure, revenue and income to the end of the month to which the financial statement relates.*

*This same figure is also to be used in the Annual Budget Review to be undertaken after the first six months of the financial year to assess how the budget has progressed and to estimate the end of the financial year position.*

**Budget / Financial Implications:**

There are no significant trends or issues to be reported.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:****➤ Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

**➤ Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

**➤ Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Absolute Majority required for proposed budget amendment/s.

OFFICER RECOMMENDATION	ITEM 8.4.1
<p>That with respect to Financial Statements for the month ending 30 November 2011, Council;</p> <ol style="list-style-type: none"> <li>1. Receive the Financial Report, incorporating the Statement of Financial Activity and other supporting documentation.</li> <li>2. Endorse the Accounts for Payment as listed.</li> </ol>	

*Discussion ensued.*

<b>8.4.2 DENMARK ARTS INC - FESTIVAL OF VOICE</b>
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<b>File Ref:</b>	A3117
<b>Applicant / Proponent:</b>	Denmark Arts Inc.
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.4.2 - Request from Denmark Arts Inc.

**Summary:**

Council has received written correspondence from Denmark Arts Inc requesting Council waive the fees associated with the hire of the Denmark Recreation Centre and Civic Centre for the Denmark Festival of Voice 2012. Hire fees associated with the event are as follows;

- Denmark Civic Centre \$845
- Denmark Recreation Centre \$1,740
- \$2,585

**Background:**

The Festival of Voice has been performed yearly in Denmark since 2003, bar a gap year in 2007. This year it is scheduled for the long weekend of June 2012. The event is coordinated by a paid event organiser but comes under the umbrella of the Denmark Arts Council and is run as a community arts event with the aim of attracting both local and visiting artists as well as paying customers.

The website for reference is <http://www.dfov.org.au/>.

Council has provided some assistance in previous years with funding generally coming from the Council’s Cultural Development Fund. The organisers did not seek a grant from this fund for this year’s event.

Council approved a similar request in January 2011 for the 2011 event, with it being resolved as follows (resolution no. 320111);

- “That with respect to the request of Denmark Festival of Voice, Council advise that;*
- 1. It agrees to assisting the June 2011 event with sponsorship to the value of \$2,500 plus GST (if applicable), to be paid from Account 1410082 and;*
  - 2. It waive the Council venue hire fees for the existing bookings to the value of \$2,070; and*
  - 3. The organisers are encouraged to apply for event sponsorship for the 2012 event from the soon to be advertised Shire of Denmark Cultural Development Fund Grants where upon it will be assessed on its merits with other applicants.”*

A request for sponsorship of the 2012 event was considered by Council in the adoption of the 2011/12 Municipal Budget however was not approved with the issue of sponsoring one single event as an “iconic” event to be considered by the Cultural Development Advisory Committee (which has been subsequently disbanded).

**Comment:**

Refer comments under Budget / Financial Implications.

**Consultation:**

Denmark Arts Inc.

**Statutory Obligations:**

Local Government Act 1995

The Act requires any waiving of fees to be approved by an Absolute Majority of Council.

**Policy Implications:**

Delegation D040101 'Donations' limits the value of donations made by the CEO to \$200.

Policy P040125 notes that the CEO may refer requests for donations or assistance made to Council after the Budget has been adopted for consideration by Council.

**Budget / Financial Implications:**

Council has not budgeted for the request but has some opportunity to assist via general ledger account 1410082 Donations (Budget \$13,000 and year to date expenditure / committed \$4,626) and general ledger account 1410602 Donated use of Council Facilities (Budget \$6,500 with year to date expenditure / committed of \$1,370).

The 2011/12 Municipal Budget contains the following funding allocation for Denmark Arts Inc;

- |                                |          |
|--------------------------------|----------|
| • Annual contribution          | \$40,700 |
| • Building maintenance         | \$2,375  |
| • In-kind use of Arts building | \$8,320  |

In addition, the Cultural Development Fund contains an allocation of \$11,000, from which Denmark Arts Inc did not apply for funding in 2011/12.

**Strategic Implications:**

Whilst there are no strategic implications in Council considering a request for a one off donation or reduction or waiver of fees, the issue of funding the Festival of Voice on an ongoing basis needs resolution. Given that the Cultural Development Fund Advisory Committee has been disbanded and not able to address this issue as determined at the 2011/12 Budget Meeting/s it is suggested that this issue be the subject of a future Council Briefing Forum or determine by Council at this meeting.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

The Festival of Voice is a popular community event that attracts a large number of residents and visitors to the Region.

The Festival of Voice is scheduled in what is typically seen as the low season for Denmark Tourism Inc (DTI) and whilst the author has not sought their comment, believes that the event would be specifically valued by DTI and the Denmark Chamber of Commerce for this reason.

➤ **Social:**

The Festival of Voice provides an opportunity for residents to interact and feel a sense of belonging to the local community.

**Voting Requirements:**

Absolute majority.

<b>OFFICER RECOMMENDATION</b>	<b>ITEM 8.4.2</b>
<p>That with respect to the request by Denmark Arts Inc to waive the hire costs associated with the Denmark recreation Centre and Civic Centre for the staging of the 2012 Denmark Festival of Voice, Council:</p> <ol style="list-style-type: none"> <li>1. Agree to the request to a total maximum value of \$2,600:</li> <li>2. Fund this donation from Account #1410082 Donations Gifts and Gratuities, and</li> <li>3. Refer the issue of funding the Festival of Voice on an ongoing, annual basis in recognition of the event as an “iconic” event for the Shire to a future Council Briefing Forum.</li> </ol>	

*\*Absolute majority required.*

*Discussion ensued.*

*Cr Marshall requested a copy of the Festival of Voice’s budget breakdown.*

*The Director of Finance & Administration stated that Denmark Arts had submitted a copy with their request and that he would provide it to Councillors for the next meeting.*

<b>8.4.3 DENMARK YACHT CLUB INC – REQUEST FOR FINANCIAL ASSISTANCE</b>
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<b>File Ref:</b>	A3171
<b>Applicant / Proponent:</b>	Denmark Yacht Club Inc
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.4.3 - Request from Denmark Yacht Club Inc

**Summary:**

Council has received written correspondence from the Denmark Yacht Club Inc (DYC) requesting a financial contribution from Council to assist with the purchase of a replacement trailer for the Yacht Club Rescue Boat trailer.

The Club has requested the sum of \$1,600 towards the replacement cost of \$3,900.

**Background:**

The DYC received funding in the 2010/11 financial year from the Community Financial Assistance Grants with a grant of \$5,000 towards the cost of replacing the rescue boat motor and steering (total cost \$11,027).

The Yacht Club note that the trailer should have been replaced at this time however the Club had insufficient funds needed for the purchase. Additional funds of \$2,300 have since been raised by the DYC and given the poor state of repair to the trailer, have requested the shortfall be funded by Council.

**Comment:**

In their request to Council, the DYC note that club members have refurbished the old trailer but “at this point in time is completely unserviceable and urgently needs to be replaced”.

The club rescue boat has been used for emergency use in the past, with club members volunteering their services for such an emergency. In addition the boat and crew have been used to provide a rescue boat for Denmark Dragon Boat Club activities and have committed to providing such a service to the Dragon Boat Club and others in the future.

**Consultation:**

Denmark Yacht Club Inc.

**Statutory Obligations:**

Local Government Act 1995

**Policy Implications:**

Delegation D040101 'Donations' limits the value of donations made by the CEO to \$200.

Policy P040125 notes that the CEO may refer requests for donations or assistance made to Council after the Budget has been adopted for consideration by Council.

**Budget / Financial Implications:**

Council has not budgeted for the request but has some opportunity to assist via general ledger account 1410082 Donations (Budget \$13,000 and year to date expenditure / committed \$4,626) and general ledger account 1410602 Donated use of Council Facilities (Budget \$6,500 with year to date expenditure / committed of \$1,370).

**Strategic Implications:**

There are no known strategic implications relating to the report or officers recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officers recommendation.

➤ **Social:**

The DYC is a small club that provides a valuable recreational and social opportunity for local residents, in addition to undertaking occasional emergency response to boating incidents on the Wilson Inlet.

**Voting Requirements:**

Absolute majority.

OFFICER RECOMMENDATION	ITEM 8.4.3
<p>That with respect to the request by Denmark Yacht Club Inc for a financial contribution towards the replacement of the rescue boat trailer, Council:</p> <ol style="list-style-type: none"> <li>1. Agree to the request to a total maximum value of \$1,600, and</li> <li>2. Fund this donation from Account #1410082 Donations Gifts and Gratuities.</li> </ol>	

*\*Absolute majority required.*

*Discussion ensued.*

*Cr Lewis asked how many members the Denmark Yacht Club had.*

*The Director of Finance & Administration advised that he would find out and provide the information with next week's Agenda.*

**8.4.4 TENDER 1 2010/11 RENOVATION OF MCLEAN PARK CHANGEROOMS**

<b>File Ref:</b>	GRT 108 & Tender Register
<b>Applicant / Proponent:</b>	Shire of Denmark
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 December 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.4.4 a) Tender Design Specifications

**Summary:**

The 2011/12 Municipal Budget contains an allocation of \$194,261 to undertake various renovations and improvements to the McLean Park Changerooms.

In accordance with this budget provision, tenders for a suitably qualified and experienced builder were advertised on Saturday 26 November 2011.

Council is now requested to award the tender to allow construction to commence as soon as possible.

**Background:**

Tender design was prepared for Council by Mr B Humphries, with staff preparing the accompanying tender documentation.

Tenders close on Friday 16 December 2011, with staff undertaking an assessment of all tenders received and making a recommendation on the preferred tenderer to the 20 December 2011 Ordinary Meeting of Council.

**Comment:**

To be included after assessment of tenders.

**Consultation:**

Denmark Walpole Football Club  
Denmark Cricket Club  
WA Football Commission  
Mr B Humphries

**Statutory Obligations:**

Local Government Act 1995

**Policy Implications:**

Council Policies P040216 Regional Price preference Policy and Delegation D040211  
Tenders are applicable.

The Regional price Preference policy has been taken into consideration when assessing the tenders. As the Tender was estimated to exceed \$100,000 the delegation to the Chief executive Officer is not applicable.

**Budget / Financial Implications:**

Will be addressed after assessment of tenders.

**Strategic Implications:**

There are no known strategic implications relating to the report or officers recommendation.

**Sustainability Implications:****➤ Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officers recommendation.

➤ **Social:**

The McLean Park Changerooms are a valuable community asses and used by “home” sporting teams when utilising the Mclean Park Oval. An improved facility will add to user’s enjoyment of the facility and provide a more comfortable and practical environment to prepare for games.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.4.4
<p>That Council award the tender for the renovation of the McLean Park Changerooms to _____, for the fixed tender price of \$_____, with all terms and conditions of the contract to be as per the tender specifications.</p>	

*Discussion ensued.*

**8.5 Chief Executive Officer**

**8.5.1 APPOINTMENT OF COMMUNITY MEMBERS ON COUNCIL COMMITTEES & WORKING GROUPS**

<b>File Ref:</b>	CR.1
<b>Applicant / Proponent:</b>	Various
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 December 2011
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.1 – Nomination Forms

**Summary:**

This report recommends that Council review the attached Nominations for Community Members on Council Committees & Working Groups and appoint members for the ensuing two (2) years, with their terms expiring in October 2013.

**Background:**

At its meetings held on the 18 October 2011 & 25 October 2011, Council resolved to continue with the following Council Committees and Working Groups and advertise for the Community Member positions on them.

- Cemetery Advisory Committee
- Climate Change Advisory Committee
- Disability Services Advisory Committee
- Paths & Trails Advisory Committee
- Seniors Advisory Committee
- Youth Advisory Committee
- CBD Streetscape Redevelopment Working Group
- Kwoorabup Community Park Working Group

In addition, Council resolved to seek community members for the community vacancies on the South Coast Management Group.

Advertising commenced on 1 November 2011 for a period of two (2) weeks.



**Comment:**

The following is a summary of the Nominations received, copies of which are included in Attachment 8.5.1.

**CEMETERY ADVISORY COMMITTEE (3 vacancies)**

- Colin Cayless
- Christopher Parr
- Judy Ross

**CLIMATE CHANGE ADVISORY COMMITTEE (8 vacancies)**

- Simon Coppock
- Cyril Edwards

**DISABILITY SERVICES ADVISORY COMMITTEE (6 vacancies)**

- Les Field
- Muriel Brenton

**PATHS & TRAILS ADVISORY COMMITTEE (3 vacancies)**

- Andi Adams
- Joe Baker
- Denise Legge
- Lisa Clarke
- Diane Harwood

**SENIORS ADVISORY COMMITTEE (1 vacancy)**

- Jennifer Robinson
- Jeanette Campbell

**YOUTH ADVISORY COMMITTEE (2 vacancies + 2 vacancies for 12-17 yrs of age)**

- No Nominations

**CBD Streetscape Redevelopment Working Group (1 vacancy)**

- Bruce Smith
- Andi Adams

**KWOORABUP COMMUNITY PARK WORKING GROUP (2 vacancies)**

- Bruce Smith
- Tracey Whooley
- Neil Riddell
- Gavin Gray

**SOUTH COAST MANAGEMENT GROUP (2 vacancies)**

- Jenny Brenton
- Carl Dusenbergl

Where there are less nominations that vacant positions Council have the option to re-advertise the positions or amend the Membership of any of the Committees to either reduce the number of community members and/or amend the position to be that of a representative of a relevant local organisation.

It is noted that 9 of the applications were received after the closing date for applications, being the 18 November 2011.

**Consultation:**

The vacant positions were advertised in the Denmark Bulletin, Council Notice Boards and Council's website.

**Statutory Obligations:**

Section 5.10 (1) of the Local Government Act 1995 relates to the appointment of committee members.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

There are no known financial implications upon the Council’s current Budget or Plan for the Future.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

Community members who nominate for positions on Council Committees and Working Groups provide an important ‘community’ perspective on Council functions, service provisions and strategic direction.

**Voting Requirements:**

Absolute majority required, pursuant to section 5.10 (1) (a) of the Local Government Act 1995.

<p><b>OFFICER RECOMMENDATION</b></p> <p>That with respect to the Nominations received for Community Member vacancies on Council Committees, Council Working Groups and the South Coast Management Group, Council;</p> <ol style="list-style-type: none"> <li>1. Appoint the following community members;                     <ol style="list-style-type: none"> <li>a) Colin Cayless, Christopher Parr and Judy Ross to the Cemetery Advisory Committee;</li> <li>b) Simon Coppock &amp; Cyril Edwards to the Climate Change Advisory Committee;</li> <li>c) Les Field and Muriel Brenton to the Disability Services Advisory Committee;</li> <li>d) _____, _____ and _____ to the Paths &amp; Trails Advisory Committee;</li> <li>e) _____ to the Seniors Advisory Committee;</li> <li>f) _____ to the CBD Streetscape Redevelopment Working Group;</li> <li>g) _____ and _____ to the Kwoorabup Community Park Working Group; and</li> <li>h) Jenny Brenton and Carl Dusenberg to the South Coast Management Group.</li> </ol> </li> <li>2. Advertise locally and solicit nominations for the remaining vacancies on the;                     <ol style="list-style-type: none"> <li>a) Climate Change Advisory Committee (6 vacancies);</li> <li>b) Disability Services Advisory Committee (4 vacancies); and</li> <li>c) Youth Advisory Committee (2 + 2 vacancies).</li> </ol> </li> </ol>	<p><b>ITEM 8.5.1</b></p>
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*\*Absolute majority required.*

*Cr Lewis noted that the nomination from Andi Adams wasn’t included in the attachments.*

*The CEO advised that he would correct the report and provide a copy of the nomination for next week's Agenda.*

*Discussion ensued.*

<b>8.5.2 COUNCIL MEETING START TIME &amp; DATES FOR 2012</b>
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<b>File Ref:</b>	CR.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	5 December 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.2 a) – Other Councils Meeting Cycles 8.5.2 b) – Shire of Denmark Meeting Cycle Options

**Summary:**

This report recommends that Council consider a change to its Ordinary Meeting frequency and process for 2012.

**Background:**

From meeting on a monthly basis, the tradition for most rural Councils, Council commenced a fortnightly decision making meeting process (every second week) in October 2001. Approximately a year later, in December 2002 it resolved to revert to the current system of a discussion only meeting followed by the same agenda / decision making meeting on the third and fourth Tuesday of every month, despite a recommendation from the CEO, at the time, to consider a 3 weekly cycle. Council has retained this current process to the present day (some 10 years).

Recently the CEO received information from the Councils' of the Great Southern together with the Shire of Manjimup as to their meeting frequencies and days so as to ensure that whatever meetings frequencies and dates this Council selected, it did not inadvertently sit on days of the week that were not, where practical, conflicting with its neighbours. Due to the opportunity of participating in regional meetings, training days, WALGA Meetings etc, the Council should where practical meet on days that are also regular meeting days of its neighbours / Councils that it most frequently meets with. In Denmark's case Albany and Plantagenet both meet on a Tuesday. Denmark has little to do with Manjimup Shire due to it being in a different WALGA zone, different Development Commission zone and its administrative centres being some 150km away.

From the attached list (Attachment 8.5.2 a)) it can be seen that;

- The Shires of Manjimup and Plantagenet meet on a 3 weekly cycle every Tuesday (Plantagenet) or Thursday (Manjimup).
- That most Councils in the Great Southern meet on a Tuesday or Wednesday.
- That Denmark is the only Council that has two meetings per months and a discussion only and decision making meeting with the same agenda (noting that Albany has an agenda briefing - as opposed to a Council Meeting).

**Comment:**

For consideration by the Council is the start time, preferred day of the week, meeting frequency and meeting process.

For the sake of discussion it is assumed that 4pm suits most Councillors and also the administration. It is a reasonable balance given that meetings often can go for some 3-4 hours and people have to travel or attend work the following day. It also generally addresses the concerns of people who work and try to attend all or part of the Council Meeting and allows parents of children (staff, Councillors and members of the public) to meet the immediate 'after school' pick-up needs. It is emphasised that first and foremost it is the view of the author that Council Meetings need to address the needs of the

decision 'makers' (Councillors), secondly the decision 'takers' (the administration / employees) and thirdly the decision 'receivers' (the residents and ratepayers and business community).

In relation to meeting days it is assumed that the Council wishes to retain a day of Tuesday or Wednesday so as to try and retain opportunities to meet with Councillors and Councils of our neighbours and zones. Monday and Fridays generally don't suit due to public holidays and both Councillors and staff seeking to enjoy the benefits of family time and weekends and long weekends. Thursdays and Fridays are generally reserved for WALGA, LGMA and training days for the region.

Thus a day of Tuesday or Wednesday and a start time of approximately 4pm is arrived at which normally adequately allows time for an evening meal, if that is desired by Council, and relaxing, wind down and safe travel home. With a more regular meeting frequency of say 3 weekly, a start time of say 5pm might be acceptable given meeting durations should, on average, be shorter. The risk of such a start time means that meal providers normally 'shut down' their kitchens around 8pm. The benefit of a later start time is that would on average reduce the time required by Councillors to take time off of work (for Council commitments) and also benefit the business community and those that work traditional 9-5 hours.

In relation to meeting frequency the Council could retain the status quo, or move to a fortnightly, monthly or 3 weekly cycle.

The author is of the view that fortnightly would not be required in terms of agenda volumes and customer service turnaround times and would add unnecessary cost in terms of agenda preparation / meeting times / costs.

The author has worked at other Councils that utilise a monthly cycle and this is the most common in WA. He has also worked where a 3 weekly cycle has been utilised and this approach is often used where the Council wishes to be seen as being 'timely' with responses to decisions pending for its constituents. It should be noted that the officer has seen a tendency for items to be 'deferred' more frequently on a 3-weekly cycle as the constituent only has to wait 3 weeks for the item to come up again in the next agenda if the Council is not satisfied with making a decision in the first instance.

The officer is not aware of any other Council in the State of WA that utilises the system that Council currently utilises (a discussion only meeting and then a decision making meeting utilising the same agenda). It is noted that Albany does utilise a briefing agenda forum to discuss items on the following week's agenda which is not constituted as a Council Meeting but the public are able to attend.

On balance the option of a 3 weekly cycle is recommended by the officer.

To overcome perceptions about allowing Councillors adequate agenda research/reading time in moving to a single decision making meeting, it is suggested that the agenda publishing deadline be moved to one week prior to the meeting. At law the agenda must be published and available to Councillors and the public at least 72 hours prior to a Council Meeting. At present the agenda is generally available on the Thursday pm, providing approximately 120 hours.

#### **Consultation:**

Nil – the good governance of the district relies first and foremost on the democratically elected decision makers of the Council being satisfied that the meeting times and processes meet their needs. If a particular decision of the Council relies on consultation greater than that afforded by the Council's adopted meeting time / location and or day, it has the prerogative to defer or seek input in accordance with the need.

Whilst there may be sections of the community that prefer to see the current process there would also be those that prefer to know that when a decision is referred to Council it is decided upon by the elected members that day. If however the Council isn't

comfortable making a decision on a particular matter on a given day, it can simply defer it, knowing that it only has 3 weeks to another meeting, as opposed to the present system which can result in a delay of up to 7 weeks, depending upon the monthly cycle.

### **Statutory Obligations:**

The following legislation relates to Council meeting dates;

Section 5.3 & 5.4 of the Local Government Act 1995 states;

#### **5.3. Ordinary and special council meetings**

- 1) *A council is to hold ordinary meetings and may hold special meetings.*
- 2) *Ordinary meetings are to be held not more than 3 months apart.*
- 3) *If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

#### **5.4. Calling council meetings**

*An ordinary or a special meeting of a council is to be held —*

- a) *if called for by either —*
  - i. *the mayor or president; or*
  - ii. *at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or*
- b) *if so decided by the council.*

### **Policy Implications:**

Council Policies P040101, P040102 & P040103 are detailed as follows.

#### **P040101 ORDINARY COUNCIL MEETINGS**

The Council shall meet on a twice monthly basis, unless otherwise determined. The meetings shall be held at 4pm on the third and fourth Tuesday of each month, commencing August 2008, with the same agenda items being considered at both meetings.

NOTE: The meeting on the third Tuesday of each month is a discussion/ briefing meeting only.

#### **P040102 MEETINGS OF COUNCIL - LOCATION (MARCH)**

The location of Councils first (discussion) meeting in March will be alternated every year between the Tingledale Hall and the Nornalup Hall and it will be widely advertised prior to the meetings.

(The 2011 Meeting was held at Nornalup).

#### **P040103 LOCALITY (WARD) MEETINGS**

Council will host a meeting of citizens and community organisations at least once a year in at least 2 of the communities of Tingledale, Nornalup and Peaceful Bay and it will be widely advertised prior to the meetings.

(The 2011 Meetings were held at Peaceful Bay and Tingledale).

### **Budget / Financial Implications:**

The Council's present system is a dual meeting process whereby the first agenda is by Council Policy, a decision only meeting, and the second meeting is the same agenda whereby resolutions are allowed.

The result is that Council has 12 decision making meetings per annum and 12 discussion only meetings per annum and 12 regular Briefing Session meetings per annum (not relating to the agenda). Thus a total of 24 Council Meetings whereby the public can attend and expenses are incurred in meeting costs (agenda preparation, staff time, meals, printing and stationary etc).

The proposed alternative is to convene decision making Council meetings on a 3 weekly rotational cycle on either every 3<sup>rd</sup> Tuesday or every third Wednesday (refer the appendices meeting calendars which highlight all 3 options) which would result in 17 decision making meetings per annum and 17 briefing sessions per annum. Thus more time for concept / briefing matters, more time making decisions and quicker turnaround of those decisions and a net saving to Council and its administration of 7 Meetings per annum where no decisions are made.

Based on a 3 hour average meeting time the direct cost to Council of every Council Meeting is estimated at around \$2,500 if you take into account direct costs associated with senior staff attendance and meals. Costs of Councillors in terms of meeting fees have not been factored into this estimate as the Council pays Councillors an annual fee (it has the option of paying a meeting fee). Similar other indirect costs such as heating, cooling and the building expenses have not been factored in.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

In the opinion of the officer the proposed change to the Council’s Meeting cycle and process will have a negligible effect on the community. There will be an argument that an individual’s ability to influence the Council has been eroded by virtue of the Council not considering the same subject two meetings in a row. There will also be an argument that the Council is providing more responsive and decisive decision making with 5 more decision making meetings a year with the maximum time between meetings / decisions being only 3 weeks compared to the current 4-7 week cycle.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.5.2
<p>That Council with respect to 2012 Council Meeting times, dates and locations;</p> <ol style="list-style-type: none"> <li>1. Retain the meeting time for Ordinary Meetings at 4.00pm;</li> <li>2. Endorse the dates for Ordinary Council meetings in 2012 to commence on Tuesday 17 January 2012 with a three (3) weekly cycle every Tuesday thereafter with the agenda publishing deadline for Councillors and the public being at least one (1) week prior;</li> <li>3. The March Meeting to be held at the Tingledale Hall;</li> <li>4. Host a Ward Meeting for the interest of residents, ratepayers and community organisations at the Peaceful Bay Progress Association Hall and the Nornalup Hall at times and dates to be determined by the CEO in conjunction with the Shire President and widely advertise those times &amp; dates prior to the meeting.</li> <li>5. Convene briefing sessions generally commencing at 1pm on Ordinary Council Meeting Days.</li> <li>6. Amend Council Policies P040101, P040102 and P040104 to reflect the new Council Meeting cycle.</li> <li>7. Advertise in the Denmark Bulletin, Walpole Weekly, on Council’s website and on Council’s Notice Boards the dates and locations in parts 2, 3 &amp; 4.</li> </ol>	

*Cr Marshall queried the reference to fortnightly meetings as she did not recall there ever being fortnightly meetings.*

*The Chief Executive Officer responded that he would investigate the matter and provide information for next week's Agenda.*

*Discussion ensued.*

### 8.5.3 MARGARET RIVER BUSHFIRE APPEAL DONATION

<b>File Ref:</b>	PBR.10
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Shire of Augusta-Margaret River
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	No

#### **Summary:**

Given the devastating fire that occurred near the town of Margaret River on several days around the 23 November 2011, it is considered appropriate for Council to consider a donation to assist the victims of the bush fires. Approximately 30 houses and 9 chalets were destroyed.

#### **Background:**

An appeal for donations to assist those who are affected by the fires has been established by the Shire of Augusta-Margaret River and the City of Perth, who is developing criteria for the disbursement of funds.

In 2010 Council donated \$2,000 to the Shire of Toodyay Bushfire Appeal.

In January 2011 Council donated \$2,500 to the Gascoyne and Midwest Flood Appeal and an additional \$2,500 to the Queensland Flood Appeal.

#### **Comment:**

Notwithstanding that the Denmark Community had their own fires on the same days as the devastating Augusta-Margaret River Fires, the relative damage and impact on the two communities was vastly different.

#### **Consultation:**

Nil

#### **Statutory Obligations:**

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

#### **Policy Implications:**

Policy P040233 (Donation of Funds to Emergency & Disaster Recovery) relates and reads as follows;

*In considering financial assistance to various emergency and disaster relief efforts and to accommodate funding for such unforeseen requests during a budget year the following budget provisions be made;*

- *Allowance for 1 x annual Local and State Emergency/Disaster - up to \$10,000; and*
- *Allowance for 1 x annual National Emergency/Disaster – up to \$5,000; and*
- *International Emergency/Disaster - Nil and the CEO be authorised to advise proponents of requests for international disaster relief that Council's Policy is to refer*

*such requests to State & Federal Governments, whose jurisdiction includes international relations.*

**Budget / Financial Implications:**

Notwithstanding the policy suggestion of budgeting an amount of \$15,000 pa, a 2011/12 budget allocation of \$5,000 (Account 1530262) was made for Local & State Emergency Disaster Relief donations (by Council). At the time of preparing this Report, \$nil had been expended for the current financial year and it is the view of the author that a donation of \$2,500 could be made from this allocation without any undue impact on the account and the current Budget, noting that the fire season is yet to really commence for the State (and Denmark).

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

The West Australian community as a whole have displayed enormous generosity in donating to this appeal and highlights the ability of the State to unite in times of tragedy. It is the view of the author that the Shire of Denmark community would expect Council to contribute to such an appeal, given the widespread devastation that has occurred.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.5.3
<p>That Council allocate \$2,500 to the City of Perth Lord Mayors Disaster Relief Fund for the Shire of Augusta-Margaret River Bushfires to be funded from Account # 1530262 Local &amp; State Emergency Disaster Relief.</p>	

*No discussion.*

<b>8.5.4 COMMUNITY CONSULTATION POLICY</b>	
<b>File Ref:</b>	ADMIN.2
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	8 December 2011
<b>Author:</b>	Dale Stewart, Chief Executive Officer
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	8.5.4 - Proposed policy

**Summary:**

This report considers the review of Council’s existing Community Consultation Policy as requested by Council at its meeting of 22 November 2011 and recommends adoption of a new policy after advertising and considering submissions.



**Background:**

The relevant motion arising from the Special Meeting of Electors held on the 25 October 2011 was as follows;

*“This meeting calls on the Denmark Shire Council to formulate a Community Consultation and Engagement Policy.*

*In the Policy, the following, will form the basis of the document:*

- 1. Objectives*
- 2. Definitions*
- 3. Roles and Responsibilities of the Council*
- 4. When will Council Undertake Formal Community Consultation?*
- 5. Key Principles*

*That this policy be developed through a process of community engagement and consultation led by a Working Group comprised of representatives of Council members, Council Administration and Community representatives.”*

Council on the 22 November 2011, in considering the motion resolved:

*“That Council with respect to motion number three from the Special Meeting of Electors resolve that it requests the CEO, in conjunction with Senior Staff, to;*

- 1. Review the Council's current Community Consultation Policy taking into account the motion and example Policy suggested during the electors meeting and;*
- 2. Present a draft amended policy for consideration by Council at its Meetings of December 2011 and;*
- 3. Recommend any consultative mechanisms proposed on the draft prior to its consideration as a final adopted Policy of Council.”*

**Comment:**

The author has now had time to review both the existing Community Consultation Policy (CCP) and that proposed by Mr Fleming as well as several examples for local authorities in different States of Australia. From this process the author is in no doubt that the current policy of Council should be substantially reviewed and saw no reason why the draft or example provided by Mr Fleming should not be used as a base for a new policy.

In hindsight, the current policy (refer Policy Implications for the current Policy) only refers to the Local Government Act as the relevant statutory guiding legislation with respect to consultation. This is patently incorrect when one considers the myriad of Acts and Regulations that Council is bound by (at last count over 200 separate Acts of Parliament – Federal and State).

It is the view of the author that there are too many of Council's decisions and actions (that affect the community in one way or another) that are bound by legislative nuances, timelines and guidelines for it to be 'workshopped' by the community or indeed, included in any detail in a complex single policy.

The CEO is of the view that too complex a CCP could unnecessarily add delays and cost to Council's operations without any additional beneficial outcome. That is not to underestimate or devalue the need for appropriate consultation on important decisions affecting the community or sectors of the community or indeed on individuals.

What governs consultation first and foremost (prior to considering the needs of those affected), is complying with the relevant laws (if any). The laws often set minimum timeframes and to some extent the where and how and thereafter the detail relevant to the example or circumstance. It is difficult to arrive at a CPP that attempts to predict and respond to every foreseeable development or initiative that Council is faced with determining. That is why the existing CCP is a Policy and Policies of Council are not legally binding and are intended to guide staff day to day (where the law doesn't prevail) and as guidance to staff and the 12 Councillors elected by the community to represent the community's interests individually and as a collective.

**Consultation:**

The author has consulted senior staff of Council on the current policy and that proposed pursuant to the officer recommendation.

Mr J Fleming on behalf of the Community Group 'Denmark Matters' has provided the following information to assist Council in its deliberations.

Firstly, extracted from the International Association for Public Participation, the organisation identified the following aspects of public participation which, in their words, "cross national, cultural, and religious boundaries."

- "Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision".

Secondly Mr Fleming suggested the following proposed Policy for Council which he believes broadly achieves these principles;

Objectives

To provide:

- Guidelines and activities for determining when Community Consultation will be undertaken and the level and type of consultation to be carried out; and
- A set of principles to guide consultation processes and activities used by the Shire of Denmark to encourage community involvement in decision-making.

Definitions

- The Term "Community Consultation" covers the range of activities that the Shire utilises to support the involvement of residents, non-residents, business proprietors, stakeholders, general public and other members of the community in the decision-making process.
- "Community" is defined in the broadest possible sense to include Shire of Denmark residents, ratepayers (owners and occupiers), business proprietors, business and community groups, and visitors. At times it may also include other tiers of government, neighbouring councils and other stakeholders with an interest in the Shire of Denmark.

Roles and responsibility of the Council

The Council is elected to make decisions on behalf of the people of the Shire of Denmark. To do so effectively, the Council, Council Members and/or Officers need to inform themselves of community attitudes and opinions on issues and to know their views, needs and aspirations.

Consultation is a mechanism for Council Members and/or Officers to inform themselves of community attitudes and opinions on issues, and therefore, the Council is committed to seeking the input of the community to assist in the decision-making process.

When will Council undertake formal community consultation?

The Shire of Denmark will undertake formal community consultation when:

- 1) a decision is likely to have significant impact on a particular individual or group in the community;
- 2) there is, or likely to be, strong community concern or interest in the issue;
- 3) the proposals before the Council are anticipated to have significant impact on the economy, lifestyle, amenity and/or environment of the Shire or its residents;
- 4) government agencies, other than the Council, have a stated interest in any policy or plans being considered;
- 5) the resolution of an issue or implementation of a proposal is likely to require a substantial redirection of ratepayer funds either by up-front or ongoing costs;
- 6) the future use of significant area of land within the Shire is being decided;
- 7) information is needed by Council Members or Officers about community needs, priorities or values to ensure planning is appropriate and responsive;
- 8) the council has statutory obligations to consult with the community; or
- 9) the Council wishes to ensure that minority or disadvantaged groups have information about, and access to the Council's services and programmes.

While the Council will consult with the community wherever possible, it may not be practicable where:

- 1) the Council must make a decision quickly in the interest of the Shire (e.g. Public safety);
- 2) the council is bound by legal, commercial or legislative constraints; and
- 3) the decisions concern minor "day to day" matters.

Key principles

The Council will make decisions based on the views and needs of the Denmark community by:

- 1) ensuring the Denmark community is involved at an early stage in the review policy, planning and service development and has ownership of the outcomes;
- 2) taking into account the issue, community interest and needs and cost;
- 3) ensuring that Council is responsive and accountable in its decision-making, resource management and expenditure.

The Council will work towards maximum community participation by:

- 1) making participation as easy and accessible as possible by considering people's different needs;
- 2) ensuring everyone who is affected by or interested in a particular issue has the opportunity to have their say at an early stage in the process;
- 3) allowing sufficient time for maximum participation of interested parties;
- 4) encouraging groups to select their own representative(s) to work with Council;
- 5) utilising independent and professionally facilitated workshops;
- 6) providing an environment where people feel safe to express their views;
- 7) providing the necessary information at an early stage so that people can determine if the issue affects them and to enable them to make an informed comment; and
- 8) employ staff with appropriate skills and/or ensure that staff who participate in community consultation are adequately trained or where required, receive adequate training.

The Council where possible will demonstrate a clear focus and purpose by:

- 1) advising the community of the reason for the consultation and what it aims to achieve;
- 2) explaining Council's role in the consultation, and that of the other participants;
- 3) making available relevant, accurate, accessible, easy-to-understand background information in sufficient time for people to be well informed, while giving due consideration to commercially sensitive or personal information;
- 4) where possible working towards outcomes that have broad community support;
- 5) advising people how their feedback and comment will be incorporated into the decision making process; and

- 6) using information only for the stated purpose, unless the community or individuals has given prior approval.

The Council will listen and respond to participants by:

- 1) respecting and valuing Denmark's diverse community and the wide-ranging views and interests that may be represented;
- 2) being receptive and responsive to new ideas;
- 3) making all reasonable attempts to resolve conflicts and reach acceptable solutions;
- 4) allowing sufficient time to debate and investigate any unexpected and important issues that arise;
- 5) advising participants of Council decisions (where practicable) ; and
- 6) informing participants of the decision making process where possible.

The Council will be efficient, responsible and accountable by:

- 1) balancing the commitment to engage effectively with the need to manage ratepayers' monies and community interests prudently; and
- 2) evaluating the decision-making process where appropriate.

### **Statutory Obligations:**

There are no statutory obligations with respect to adopting or reviewing a community consultation policy. Council and its administration must be mindful however if the statutory obligations associated with specific processes and minimum and or maximum timeframes that sometimes make it difficult, impractical and or unable to consult on various issues, notwithstanding that they may well have an impact on sections or even individuals within the community.

An example might be referrals to Council on a subdivision application abutting an individual that might object to that application. Council is a referral body with approximately 10 other Government institutions and it has 42 days to make comment on such an application on behalf of the Council and its constituents based on its various planning policies and infrastructure issues. It might well be considered appropriate and right that a Council should consult the adjoining affected owners to the proposed subdivision but in reality it does not as it is only an advising authority and not making the decision. Indeed the decision making authority (the WA Planning Commission) does not consult with the potentially affected adjoining owners either on the basis that they take into account any relevant WAPC policies, local planning scheme provisions (which have been the subject of community consultation processes at some stage perhaps many years earlier), all comments from referral bodies, physical attributes/conditions of the site and other relevant matters deemed appropriate.

### **Policy Implications:**

Council's current Community Consultation Policy states as follows;

#### Objectives

*To ensure appropriate and effective community consultation is an integral part of the development and implementation of all of the Shire of Denmark's projects, programmes and policies.*

#### Policy

1. *The Shire of Denmark is committed to community consultation in its decision-making processes.*
2. *The Shire of Denmark, whilst agreeing to involve the community wherever appropriate in its decision-making processes, acknowledges that it may not be possible ultimately to carry out the total wishes of the community on every occasion, the Council nonetheless wishes to discover a broad range of community views on as many aspects of its business as possible.*

#### Statutory Implications

*The Local Government Act 1995 contains certain requirements in the area of "community consultation". The Act requires the Council to advertise a variety of different*

things via “local public notice” or “statewide public notice”; both of which are defined in sections 1.7 and 1.8 of the Act. These include, but are not limited to advertising local laws, differential rating, Plan for the Future, business plans and the annual report.

This policy is designed to provide for consultation additional to that provided for in the Act.

#### Guidelines

1. This policy provides for community consultation on operational issues, being functions of the CEO, and Council related issues.
2. The CEO is expected to establish staff operational guidelines to ensure a high level of community consultation takes place, where appropriate, on operational issues. Operational issues, for the purposes of this policy includes:
  - a) Carrying out of significant works contained within Council’s annual works programme that have not been subjected to prior community consultation when being considered as part of Council’s earlier decision-making processes.
  - b) Implementation of services, programmes, projects, etc provided for on Council’s budget that have not been subjected to prior community consultation when being considered as part of Council’s earlier decision-making processes.
  - c) Consideration of planning and building applications.
  - d) Other operational issues as determined from time to time by the CEO and/or the Council.
3. All new projects, new programmes, new policies and significant reviews of existing projects, programmes and policies, when being submitted for consideration by Council shall be accompanied by a “community consultation plan” (CCP).
4. A CCP shall detail:
  - a) The objectives of the community consultation exercise.
  - b) The stakeholders to be consulted.
  - c) The timing and duration of the consultation.
  - d) The method of consultation to be used to achieve the objectives.
  - e) How the stakeholders may be supported in their consultation.
  - f) Estimated cost of the consultation and budgeted funds available.
  - g) Post consultation review process.
5. The Council will, after consideration of the CCP, determine the level and extent of community consultation to be carried out.
6. The Council recognises the following as appropriate methods of consultation to be considered in any CCP:
  - a) Individual letters
  - b) Householder mailings
  - c) Advertising in addition to statutory requirements
  - d) Public or stakeholders meetings/workshops
  - e) Public displays
  - f) Formal questionnaires or surveys
  - g) Use of specialist consultants
7. Following each community consultation exercise a post consultation review is to be carried out as provided for in the CCP. The purpose of this review is to examine the effectiveness and appropriateness of each consultation exercise with the view to implementing continual improvement.”

#### **Budget / Financial Implications:**

There are no known financial implications upon the Council’s current Budget or Plan for the Future with the officer’s recommendation as it has removed the ‘compulsion’ to engage professional and independent facilitators on every occasion it consults.

#### **Strategic Implications:**

The Shire of Denmark’s long term vision for the Shire comprises:

1. Character and lifestyle sustained through careful planning
2. A robust economy, based on local resources and skills.
3. A caring, cohesive community.
4. An expanded range of educational services.

5. A very attractive district to visit.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

The review of the existing Community Consultation Policy will assist achieve a caring and cohesive community in accordance with our Vision.

The author is of the view having taken into account all of the foregoing that the appropriate level of consultation (the consultation plan with respect to reviewing this policy) with such a complex area of policy development, is to invite public comment on the draft amended policy in the Denmark Bulletin for a period of 30 days.

**Voting Requirements:**

Simple majority.

OFFICER RECOMMENDATION	ITEM 8.5.4
<p>That Council advertise in the Denmark Bulletin inviting comment for a period of 30 days, the intent to repeal its existing Community Consultation Policy, numbered P040123 and replace it with a new Policy pursuant to the Attachment 8.5.4.</p>	

*Discussion ensued.*

7.26pm – *The Director of Community & Regulatory Services left the room.*

*Cr Syme suggested that acknowledgement of what Council currently did in relation to the Biennial Community Survey could be included in the Policy.*

*The Chief Executive Officer responded that he could include reference to Council's current practices relating to Biennial Community Survey.*

7.29pm – *The Director of Community & Regulatory Services returned to the room.*

**9. COMMITTEE REPORTS & RECOMMENDATIONS**

<b>9.1</b>	<b>SHIRE OF DENMARK AUDIT COMMITTEE – ADOPTION OF 2010/11 ANNUAL REPORT</b>
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<b>File Ref:</b>	FIN31
<b>Applicant / Proponent:</b>	Not Applicable
<b>Subject Land / Locality:</b>	Not Applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	6 December 2011
<b>Author:</b>	Garry Bird, Director of Finance & Administration
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	9.1 - 2010/11 Draft Annual Report

**Summary:**

The Shire of Denmark Audit Committee held a Meeting on 6 December 2011 to consider the Annual Report, Annual Financial Statement and Auditors Report for the 2010/11

year. At this Meeting, the adoption of the Reports was recommended by the Committee as per the following Resolution;

*“That the Shire of Denmark Audit Committee recommend to Council the adoption of the 2010/11 Annual Report.”*

In accordance with this Resolution, the Committee’s recommendation is now presented to Council for consideration.

**Background:**

The date for the Electors Meeting, where the 2010/11 Annual Report will be presented to Electors, has been set for 20 December 2011, commencing at 7.00pm.

**Comment:**

Comment on the financial position of the Shire and operational and strategic activities is contained within the draft Annual Report for consideration.

The audit report for the 2010/11 financial year was received Monday 14 November 2011.

**Consultation:**

Shire of Denmark Audit Committee  
Mr R Harrison, Lincolns Chartered Accountants.

**Statutory Obligations:**

Local Government Act 1995 Division 5 Annual Reports and Planning Sections 5.53 to 5.55

Local Government (Financial Management) Regulations 1996

In summary, the Act requires the Annual Report to contain the following information;

- A report from the Shire President.
- A report from the Chief Executive Officer.
- The 2010/11 Annual Financial Report.
- The 2010/11 Auditors Report.
- Information in relation to employees salaries, and
- Other miscellaneous information including Disability Services update, Record Keeping Plan updates and improvements.

**Budget / Financial Implications:**

The 2010/11 Annual report is printed and collated in-house by shire staff, the costs of which are included in operating budgets for the 2011/12 financial year.

**Policy Implications:**

There are no policy implications.

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

There are no known significant social considerations relating to the report or officer recommendation.

**Voting Requirements:**

Absolute majority.

OFFICER RECOMMENDATION	ITEM 9.1
That Council adopt the Annual Report, incorporating the Annual Financial Statement.	

*\*Absolute majority required.*

*Discussion ensued.*

*Cr Syme suggested a number of corrections to the wording of particular items within the Annual Report and asked whether mention could be made to the Auditor in the Officer Recommendation.*

*The Director of Finance & Administration noted the corrections and advised that he would provide an amended draft with next week's Agenda and include reference to the Auditor in an amended Officer Recommendation.*

**10. MATTERS BEHIND CLOSED DOORS**

<b>COUNCIL RESOLUTION &amp; OFFICER RECOMMENDATION</b>	<b>ITEM 10</b>
That Council proceed behind closed doors to consider Item 10.1.	

*\*Absolute majority required.*

*Prior to consideration of Item 10.1 the Chief Executive Officer, through the Presiding Person, brought to the attention of the meeting the following disclosure(s) of interest:*

*Cr Sampson's partner's daughter has been nominated for an award and Cr Marshall's husband has been nominated for an award and as a consequence there may be a perception that their impartiality on this matter may be affected. Cr Sampson & Cr Marshall declare that they will consider this matter on its merits and vote accordingly.*

<b>10.1 CITIZEN, SPORTS, SCHOLARSHIP &amp; LEADERSHIP AWARDS</b>	
<b>File Ref:</b>	PBR.1
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	Nil
<b>Date:</b>	7 December 2011
<b>Author:</b>	Claire Thompson, Executive Assistant
<b>Authorising Officer:</b>	Dale Stewart, Chief Executive Officer
<b>Attachments:</b>	Confidential for Councillors

**Summary:**

Council is asked to consider;

- a) The Nominations received for the Shire of Denmark's annual Sports & Citizen Awards and select winners for each category (where there are nominations for such);
- b) Endorsing the Chief Executive Officer's decision to select the Agricultural Scholarship recipient, due to the timing of graduation ceremony & Council meeting;



- c) Endorsing the Shire President & Deputy Shire President's decision to select the Leadership Award recipient, due to the timing of graduation ceremony & Council meeting;
- d) Amending Council Policies P040126 (Honorary Freeman of the Municipality) and P110701 (Functions in Recognition of Volunteers) to remove reference to the Awards Selection Committee;
- e) Amending Policies P080201 (Denmark Agricultural College Scholarship) and P080202 (Shire of Denmark Leadership Award) to reference the closing date of both as the fourth Friday in October.

**Background:**

The Citizen & Sports Awards are annual Council awards which are provided pursuant to Policy P040113 and are normally presented at the Shire of Denmark's Australia Day Function on the 26 January of each year.

The Agricultural Scholarship & Leadership Award are annual Council programs which are provided pursuant to Council Policies P080201 and P080202.

At its meeting held on the 18 October 2011 Council resolved to discontinue the Awards Selection Committee and refer its functions directly to Council.

**Comment:**

Council is requested to peruse the attached Nominations and determine a recipient for the award categories.

**2011 SPORTS AWARDS**

Nominations closed on the 25 November 2011. Copies of the 10 nominations received are attached and the names and categories of those are as follows;

**JUNIOR SPORTSPERSON OF THE YEAR**

- Lowana Winter
- Jordon Rolt
- Megan Allison
- Iban Van Heeran
- Michaela Ross

**SENIOR SPORTSPERSON OF THE YEAR**

- Kim Kelly
- Ollie Wakka
- Lisa Clarke (also nominated for Service to Sport)

**SERVICE TO SPORT**

- Lisa Clarke (also nominated for Senior Sportsperson of the Year)
- Shirley Warne

A table of previous recipients is attached.

**2012 CITIZEN AWARDS**

Nominations closed on 25 November 2011. Copies of the 12 nominations received are attached and the names and categories of those are as follows;

**CITIZEN OF THE YEAR AWARD**

- Bev & Ross McGuinness
- Lee Shelley
- Pat Evans
- Jen Langridge
- Ronald Watkins

- Penny Leech
- Gail Guthrie
- Arthur (Sid) Marshall
- Peter Scoby-Smith
- Rosemary & David Wolter
- Walter Pederick

#### YOUNG CITIZEN OF THE YEAR

No nominations received.

#### COMMUNITY GROUP OR EVENT OF THE YEAR

- Denmark Historical Society

A table of previous recipients is attached.

#### DENMARK AGRICULTURAL COLLEGE SCHOLARSHIP

Council's Policy reads as follows;

*"Council shall make available an annual Denmark Agricultural College Scholarship.*

##### Objective

*To encourage and assist Year 10 students attending the Denmark District High School or Year 10 students residing in the Denmark Shire to pursue higher education.*

##### Guidelines

1. *The applicant must be a student who intends to complete Years 11 & 12 at the WA College of Agriculture – Denmark and is either;*
  - *Completing Year 10 at the Denmark High School; or*
  - *Completing Year 10 at the WA College of Agriculture – Denmark; or*
  - *A Year 10 student residing in the Denmark Shire.*
2. *The Scholarship will not be based wholly on academic record. Interest in agriculture and family need is a consideration.*
3. *Preference will be given to those students who are likely to continue agricultural pursuits within the Shire boundaries.*
4. *The Scholarship amount will be determined by Council and 50% will be paid at the start of the first year and upon successful completion and continuation, 50% will be paid at the start of the second year.*
5. *The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the awards and the principles of leadership;*
6. *The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;*
7. *A Scholarship will not be awarded if no applicants are suitable.*
8. *The decision of Council and/or the delegated Committee shall be final."*

Four nominations were received this year and given the timing of the graduation ceremony, the Chief Executive Officer selected the successful recipient pursuant to the guidelines of Council's Policy P080201 as being Ella Kelly. The other three applications were from Ashley Tharratt, Meggie Tharratt & Johnathon Brockhurst.

The Author requests that Council endorse the CEO's actions in this instance.

In addition, it is suggested that Council include reference in the Policy to the closing date for applications being the fourth Friday in October, this will allow enough time for applications to be assessed by Council and a recipient selected via resolution (in November). The Graduation Ceremonies for the Denmark High School and Agricultural College are typically held in December.

## LEADERSHIP AWARD

Council's Policy reads as follows;

### Objective

*To provide an annual sponsorship for a Year 12 student, currently attending the Denmark High School, to assist with the cost of participating in an activity or program which focuses on;*

- *Skill development;*
- *Leadership;*
- *Self growth and development (self discovery);*
- *Problem solving;*
- *Confidence building;*
- *Strengthening personal motivation;*
- *Initiative; and/or*
- *Team work & communication;*

*The selected activity or program could include;*

- a) *A registered leadership program;*
- b) *A personal endeavour.*

### Guidelines

- *The applicant must be a Year 12 student currently attending the Denmark High School;*
- *The Sponsorship will be awarded based on citizenship, community involvement and leadership;*
- *The successful applicant will be required to complete the selected program or activity within 12 months of being awarded this Sponsorship.*
- *The Sponsorship amount will be \$2,000 (2011) and will be paid to the successful applicant;*
- *The CEO and/or the Shire President address the Seniors School students at the commencement of the advertising of the program (generally in September) to promote the award and the principles of leadership;*
- *The Sponsorship be widely promoted in local papers, notice boards and Council's website to both potential nominees and their parents or guardians;*
- *The successful applicant will be required to acquit the Sponsorship, within a reasonable timeframe of completion, by providing a written report to Council on their activity or program and presenting that report to Council;*
- *A Sponsorship will not be awarded if there are no suitable applicants;*
- *The decision of Council and/or the delegated Committee shall be final."*

Given the timing of the graduation ceremony, the Shire President & Deputy Shire President assessed the two applications received and selected a recipient pursuant to the guidelines of Council's Policy P080202.

The Author requests that Council endorse the Shire President & the Deputy Shire President's actions in this instance. The name of the successful recipient is embargoed until the Denmark High School Graduation Ceremony being held on the evening of the 13 December 2011.

In addition, it is suggested that Council include reference in the Policy to the closing date for applications being the fourth Friday in October (annually), this will allow enough time for applications to be assessed by Council and a recipient selected via Council resolution (in November). The Graduation Ceremonies for the Denmark High School and Agricultural College are typically held in December or late November.

## AWARDS SELECTION COMMITTEE REMOVAL FROM POLICY MANUAL

The following actions are recommended to remove reference to the Awards Selection Committee from Council's Policy Manual, given that the Committee was discontinued as at 18 October 2011.

1. Policy P110701 – Functions in Recognition of Volunteers  
Current Policy reads as follows;  
*“Council recognise various local volunteer organisations by way of a function, held annually as a ‘Thank a Volunteer Day’ with these celebrations generally and where practical being coordinated with any State supported activities & funding.*

*The annual Volunteer Recognition Ceremony shall be implemented by the Awards Selection Committee.”*

It is suggested that the words *“The annual Volunteer Recognition Ceremony shall be implemented by the Awards Selection Committee.”* be removed as the volunteer function has, for many years, been co-ordinated and implemented under the direction of the Chief Executive Officer and for this reason the Author is of the view that the first paragraph of the Policy sufficiently covers the intent (objective) of the Policy.

2. Policy P040126 – Honorary Freeman of the Municipality  
The current Policy is shown below which includes suggested amendments. Words that have a line through them are proposed to be deleted whilst words which are in red are proposed to be added.

### NOMINATION PROCEDURE

#### Background

*Section 619A of the Local Government Act 1960 prescribed that, Council may, by absolute majority, pass a resolution which confers the title of ‘Honorary Freeman of the Municipality’ on any person. This does not confer any right or privilege on that person other than the right to use the title so conferred.*

*Although the Local Government Act 1995 does not provide for conferring this title, Council has resolved to introduce the award.*

#### Statement of Intent

*This Policy stipulates the procedures for the nomination, selection and induction of persons designated as ‘Freeman of the Municipality’.*

#### Policy

*Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of ‘Honorary Freeman of the Municipality’ on any person. The title shall be reserved for persons who have rendered exceptional service to the community. The process for nomination and selection of persons for the title are as follows:*

1. Eligibility Criteria  
*Nominees for the conferring of the title ‘Honorary Freeman of the Municipality’ should be residents of the Shire of Denmark who have given distinguished service to the Shire, preferably in more than one capacity.*
2. Selection Criteria  
*Nominees will be judged on their record of service to the community. The selection criteria are to include:*
  1. *Length of service in a field (or fields) of activity.*
  2. *Level of commitment to the field (or fields) of activity.*
  3. *Personal leadership qualities.*
  4. *Benefits to the community of the Shire of Denmark and/or State of Western Australia resulting from the nominee’s work.*

5. *Special achievements of the nominee.*3. Nomination Procedure

- a) Nominations for the Award may be made by individuals or organizations and are to be sponsored by a Councillor of the Shire of Denmark. They are to be submitted to the Chief Executive Officer on the Official Nomination Form (as appended to this policy) for ~~initial~~ consideration by the ~~Awards Selection Committee~~ **Council**.
- b) Nominations are to be made in the strictest confidence without the knowledge of the nominee.
- c) On receipt of a nomination the Chief Executive Officer shall circulate a copy of the nomination and any supporting information to all Councillors.
- d) On receipt of the information, Councillors shall have at least two weeks to consider the proposal. *If a Councillor is not in favour of the proposal then he/she should either submit his/her views;*
  - i. *in writing to the CEO, who will provide a copy to all Councillors; or*
  - ii. *verbally at the relevant Council meeting.*

~~1. Submit his/her views, in writing, to the Chief Executive Officer, who will provide a copy to all members of the Awards Selection Committee; or~~

~~2. attend the appropriate meeting of the Awards Selection Committee to present his/her views.~~

Councillors who do not formally respond will be presumed not to object to the nomination.

~~2. If it is considered appropriate to pursue the nomination, then the Awards Selection Committee may recommend to Council that the title 'Honorary Freeman of the Municipality' be conferred on the nominated individual.~~

~~(Adoption of such recommendation requires an absolute majority decision of Council.)~~

- e) If it is considered by ~~Committee~~ **Council** that it would not be appropriate to pursue such nomination, then no record is to be made in the Minutes and if the Councillor sponsoring the nomination is not in attendance, the ~~Chairman of Committee~~ **Shire President** shall, ~~prior to the next Ordinary Council meeting,~~ verbally advise that Councillor that the nomination has not been supported.

~~In considering such nomination, the nominating/sponsoring Councillor shall be given the opportunity to attend the meeting of the Awards Selection Committee to hear discussion.~~

4. Awarding the Title

Once a nomination has been accepted by Council, the nominee and any person(s) or organization(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the President, in consultation with the Chief Executive Officer.

The successful nominee shall receive a framed certificate and lapel pin which confirms his or her status and shall be invited to attend all civic functions.

Photographs of the Honorary Freeman of the Municipality will be displayed in the Council Chambers which will show pertinent information identifying the recipient and their service to the community.

5. Current Awardees  
*Percy Berridge (deceased) November 1973) and Mrs Eileen Lunan (February 2006).*

**Consultation:**

The awards were advertised in the Denmark Bulletin, on Council’s Notice Boards, at the Denmark Recreation Centre & on Council’s website.

**Statutory Obligations:**

There are no statutory obligations.

**Policy Implications:**

Council Policies P040113, P080201, P080202, P040126 and P110701 relate and have been included under the comment section of the report.

**Budget / Financial Implications:**

Council has included provision in the 2011/12 Budget for these Awards and Scholarships.

- Citizen Awards – GL1410252
- Sports Awards – GL1160752
- Agricultural Scholarship – GL1610832
- Leadership Award – GL1610822

**Strategic Implications:**

There are no known significant strategic implications relating to the report or the officer recommendation.

**Sustainability Implications:**

➤ **Environmental:**

There are no known significant environmental considerations relating to the report or officer recommendation.

➤ **Economic:**

There are no known significant economic considerations relating to the report or officer recommendation.

➤ **Social:**

The Sports & Citizen Awards provide a way for Council & the Community to acknowledge local individuals who either contribute in a volunteer capacity for the good of the community or reached an outstanding achievement within a particular Sporting Club or Organisation.

**Voting Requirements:**

Simple majority.

7.56pm – The Director of Community & Regulatory Services returned to the room.

OFFICER RECOMMENDATION	ITEM 10.1 a)
<p>With respect to the Shire of Denmark Citizen &amp; Sports Awards the following recipients be awarded in the respective categories and those names be embargoed until the Awards Ceremony on 26 January 2012;</p> <p>1. 2012 Citizen of the Year to _____;</p> <p>2. 2012 Community or Event of the Year to _____;</p> <p>3. 2011 Sportsperson of the Year to _____;</p> <p>4. 2011 Junior Sportsperson of the Year to _____; and</p> <p>5. 2011 Service to Sports to _____.</p>	

OFFICER RECOMMENDATION	ITEM 10.1 b)
<p>That with respect to the Denmark Agricultural College Scholarship &amp; Leadership Award, Council;</p> <ol style="list-style-type: none"> <li>1. Endorse the decision of the;                     <ol style="list-style-type: none"> <li>a) Chief Executive Officer in selecting the successful recipient for the Denmark Agricultural College Scholarship as Ella Kelly; and</li> <li>b) Shire President &amp; the Deputy Shire President in selecting the successful recipient (name embargoed until Graduation Ceremony) for the Leadership Award.</li> </ol> </li> <li>2. Include an additional Guideline in Policy P080201 (Denmark Agricultural College Scholarship) &amp; Policy P080202 (Shire of Denmark Leadership Award) which reads "The closing date for applications is the fourth Friday in October."</li> </ol>	

OFFICER RECOMMENDATION	ITEM 10.1 c)
<p>That with respect to the Policy Manual and the discontinuation of the Awards Selection Committee, Council;</p> <ol style="list-style-type: none"> <li>1. Amend Policy P040126 as shown within the Officer's Report; and</li> <li>2. Amend Policy P110701 by removing the words "<i>The annual Volunteer Recognition Ceremony shall be implemented by the Awards Selection Committee</i>".</li> </ol>	

7.51pm – *The Director of Finance & Administration left the meeting and did not return.*

**11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**  
 Nil

**12. CLOSURE OF MEETING**

*8.00pm - There being no further business to discuss the Shire President, Cr Thornton, declared the meeting closed.*

<p>The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.</p> <p>Signed: _____  <i>Dale Stewart – Chief Executive Officer</i></p> <p>Date: 15 December 2011</p> <p>These minutes were confirmed at the meeting of the _____</p> <p>Signed: _____  <i>(Presiding Person at the meeting at which the minutes were confirmed.)</i></p>
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